

28.07.2021

Court No.28
Item No.8
(REJECTED)

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CRM 1798 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 11.02.2021 in connection with Bhutni Police Station Case No. 71 of 2020 dated 19.05.2020 under Sections 302/34 of the Indian Penal Code, 1860 (G.R.Case no. 2089 of 2020);

And

In the matter of : **Amrul Sk. @ Babua @ Amirul & anr.**
...Petitioners.

Mr. Kallol Mondal
Mr. Musharaf Alam sk.
Mr. Krishanu Ray

...For the Petitioners

Mr. N. Ahmed, APP
Ms. Amita Gaur

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni Police Station Case No. 71 of under Sections 302/34 of the Indian Penal Code, 1860 (G.R.Case no. 2089 of 2020).

This is a second application for bail at the behest of the petitioners. An earlier application for bail being CRM 7718 of 2020 was dismissed on 14th October 2020. The reason for rejection would be evident from the said order that names of the petitioners were disclosed by the eye witnesses in their statements under Section 164 of the Code of Criminal Procedure. The charge-sheet has already been submitted on 29th July 2020 and obviously on the day of the rejection of the earlier application, it was within the knowledge of the coordinate Bench that despite filing of the charge-sheet, the complicity of the petitioners is so intense that it does not invite any order, enlarging the petitioners on bail.

Since 14th October 2020 we do not find any changed

circumstances nor the same has been disclosed in the instant petition to take different decision to what had already been taken in the first application for bail. We, thus, do not find it a fit case to enlarge the petitioners on bail.

The application for bail is, thus, considered and ***rejected***.

We, however, express our deep concern over the delayed disposal of the case. We, therefore, request the learned Sessions Judge to expedite the matter and bring it to its logical conclusion at an earliest.

The application for bail being CRM 1798 of 2021 is, accordingly, disposed of.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)