

31.05.2021
B.D.
18.

CRM 2062 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of: **Rabindranath Dinda**

....Petitioner.

Mr. Sourabh Chatterjee
Mr. Sibaji Kumar Das
Mr. Sk. Sahajahan Ali

...for the Petitioner.

Mr. Madhusudan Sur
Mr. Monoranjan Mahata

....for the State.

It is submitted by learned counsel for the petitioner that the petitioner accused was arrested on 13.12.2020 since then he is in custody.

It is further submitted that since the charge-sheet has been submitted there is no requirement for custody of the petitioner and that he stands on the same footing as that of the accused namely Naba Kumar Panda whose bail application was considered by a co-ordinate Bench of this Court.

Our attention is invited to an order dated 3rd September, 2014 passed in connection with CRM 10043 of 2014 to submit that investigation of the case has been concluded with the submission of the charge-sheet and the case is out of political rivalry between two groups and that the petitioner has been falsely implicated. It would appear from the said order that accused/petitioner Aparesh Santra was granted bail

on the sole consideration that the case is out of political rivalry but without considering the nature of offence.

Be that as it may, having regard to the submission made on behalf of the learned counsel for the petitioner and the materials on record, this Court is of the view that the accused/petitioner Naba Kumar Panda was not admitted on bail rather the observation was made for consideration of his bail by the Trial Court on the basis of submission that he is substantially physically challenged. Therefore the present petitioner does not stand on the same footing.

Learned counsel for the State submits that the charge-sheet has been submitted on 11.8.2014 and the arrest of this petitioner was after six years on 13.12.2020 as he was absconding and the warrant processes were pending against him.

In consideration of the nature of the offence and for the reasons of the accused absconding for a period of six years causing delay in commencing the trial, the prayer for bail is considered and is rejected.

Accordingly the application being C.R.M. 2062 of 2021 is dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)