

38. 14.09.2021

Ct.32

Tanmoy

Rejected

C.R.M. 2169 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **24/02/2021** arising out of **Karandighi Police Station Case No. 328/19** dated **08/10/2019** under Sections **447/302/326/307/34** of the Indian Penal Code read with Sections **25(1)(a)/27** of the Arms Act.

And

In the matter of: - **Seikh Nadim @ Sk. Nadim**

...petitioner.

Mr. Suchindram Bhattacharjee

...for the petitioner (through V.C.).

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

...for the State.

The petitioner is one of nine accused persons. The charge is of dacoity and murder. The petitioner's prayer for bail was rejected by a co-ordinate Bench by an order dated August 17, 2020 passed in C.R.M. 5516 of 2020. The petitioner's second application for bail was dismissed as not pressed by an order dated January 18, 2021 passed in C.R.M. 7796 of 2020.

The petitioner says that he has no role to play in the alleged offence. He has been falsely implicated. He is in custody for 694 days. Trial has not yet commenced.

We have seen the material in the Case Diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have also seen the post mortem report. It was a case of ghastly murder. The petitioner was the driver of the victim.

On an overall consideration of the material on record and the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to entertain the petitioner's prayer for bail at this stage.

Accordingly, the application for bail being C.R.M. 2169 of 2021 is **dismissed**.

However, in the event charge has not been framed, we request the learned trial Court to expedite the consideration of charges and generally expedite the trial to the extent possible, keeping in view the reasonably protracted detention of the petitioner.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)