

19.07.2021

Court No.28
Item No.04
(Rejected)

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CRM 2234 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jhargram Police Station Case No. 136 of 2018, dated 28.08.2018 under Sections 364/302/201/120B/34 of the Indian Penal Code;

And

In the matter of : **Mithun Khamrai.**

...Petitioner

Mr. Ritwik Pattanayak

...For the Petitioner

**Mr. N. Ahmed,
Mr. Anwar Hossain,
Ms. Amita Gaur.**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Jhargram Police Station Case No. 136 of 2018 under Sections 364/302/201/120B/34 of the Indian Penal Code.

The petitioner claims parity with the other co-accused, who had already been enlarged on bail by this Court. It is submitted that the petitioner should also be enlarged on bail.

The State opposes the prayer for bail. Our attention is drawn to the orders passed by this Court in other bail applications, wherein there is a categorical finding that the personal effects of the deceased was seized from the possession of the petitioner.

The aforesaid fact distinguishes the petitioner with the other co-accused from whom no seizure was effected concerning the personal effects of the deceased. The trial has seen a substantial progress. Four witnesses have already been examined and the next date is fixed on 5th August, 2021.

In view of the above, more particularly the seizure as indicated

above having effected from the possession of the petitioner, we are not inclined to release the petitioner on bail.

In view of the above, the prayer for bail of the petitioner is rejected.

However, we direct the Trial Court to expedite the trial and bring to its logical conclusion at an earliest without granting unnecessary adjournment to either of the parties.

The application for bail, being CRM 2750 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)