

17.11.2021

CRM 2312 of 2021

court no. : 28
Item no. : PB-07
matter : 439
status : REJECTED
transcriber : nandy

(Via Video Conference)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 01.03.2021 in connection with Santipur Police Station Case No. 279 of 2015 dated 01.09.2015 under Sections 302/34 of the Indian Penal Code. (G.R. Case No. 1791 of 2015)

and

In the matter of: **Chutti Sk. @ Ahamad @ Reja Sk.**

.....Petitioner

Ms. Sananda Bhattacharya, Advocate

Mr. Rishav Kumar Singh, Advocate

.....for the Petitioner

Mr. Neguive Ahmed, Advocate

Ms. Amita Gaur, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with Santipur Police Station Case No. 279 of 2015 dated 01.09.2015 under Sections 302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than six years in connection with the aforementioned case and some of the co-accused persons have already been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that on the leading statement of the petitioner the offending weapon was recovered and, therefore, the petitioner stands on different footing that of other co-accused persons. It is further submitted that all the chargesheeted witnesses except the Investigating Officer have been examined and there is every possibility of disposal

of the case in near future.

After hearing the respective Counsel for the parties and upon perusal of the materials on record, we find that the application for bail filed in CRM 3823 of 2016 was dismissed on June 8, 2016 despite the fact that other co-accused persons have been granted bail. Furthermore, there was a recovery of offending weapon on the leading statement of the petitioner and, therefore, the plea of parity is not available to the petitioner. The offending weapon was recovered from the leading statement of the petitioner, which has some evidentiary value. Even apart, all the witnesses have been examined except the Investigating Officer. We thus do not find any ground in enlarging the petitioner on bail at this stage.

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

The application being **CRM 2312 of 2021** is accordingly **dismissed**.

However, we would request the learned Sessions Judge to fix a date for recording the evidence of the Investigating Officer which shall not exceed beyond one month from the date of communication of this order.

The prosecution shall ensure the presence of the Investigating Officer on the date so fixed and the learned Advocate appearing for the petitioner also assures the Court that they would cooperate and assist the Court in completing the recording of the evidence of the said Investigating Officer.

The trial Court is further requested to bring the case to its logical conclusion within two months from the date so fixed in terms of the above order. The time limit indicated hereinabove, shall be strictly adhered to and none of the parties would unnecessarily drag the case by seeking adjournment without any plausible reason.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)