

C.R.M. 2445 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 362 of 2015 dated 12.07.2015 under Sections 363/365/376 of the Indian Penal Code.

And

In the matter of: Jinnat @ Miarul Hoque @ Miyarul Hoque
....petitioner.

Mr. Sourav Chattejee,
Mr. Aditya Tiwari
...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De
...for the State.

Counsel for the petitioner submits that this is the third application under Section 439 CrPC and his client is in custody for about 520 days.

Counsel for the State submits that the principal accused is absconding. In so far as this petitioner is concerned, he has been clearly identified by the victim in the 164 CrPC, statement. Two earlier applications being CRM 894 of 2020 and CRM 2592 of 2020 have been rejected, albeit one and half years ago.

This Court does not find any changed circumstances. Although charge-sheet has not yet been filed in the matter, this Court is not inclined to grant relief to the petitioner under Section 439 CrPC in view of the gravity of the charges against the petitioner.

In that view of the matter, C.R.M. 2445 of 2021 is dismissed at this stage.

The parties shall act in terms of the copy of the order

downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)