

04.08.2021

Court No.28
Item No.16
(REJECTED)

Saswata

CRM 2512 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Chanditala Police Station Case No. 269 of 2019 dated 25.06.2019 under Sections 302/34 of the Indian Penal Code;

And

In the matter of : **Paresh Biswas**

...Petitioner.

Mr. Sudip Ghosh Chowdhury

Ms. Ayantika Roy

...For the Petitioner

Mr. Swapan Banerjee

Mr. Suman De

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 269 of 2019 under Sections 302/34 of the Indian Penal Code.

The petitioner along with one, Krishna Kirtania has been apprehended in connection with the aforesaid case and is languishing in jail for nearly 11 months.

It is submitted by the learned Advocate for the petitioner that he is not the principal accused and, therefore, he should be immediately enlarged on bail after submission of the charge-sheet.

The State opposes the prayer for bail and submits that the role of the petitioner attributable to the alleged offence, is serious in nature and such role cannot be segregated with the role of the principal accused.

After hearing respective submissions and on perusal of the materials on record, we do not think that it is a fit case where the petitioner should be released on bail.

The application for bail is, thus, considered and ***rejected***.

However, it transpires that though the charge-sheet has been filed, the case has not been committed. We, therefore, request the learned Judge in the Trial Court to expedite the matter so that it can be brought to its logical end at an earliest.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)