

04.08.2021

Court No.28  
Item No.17  
(REJECTED)

Ab

**CRM 2596 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 10.03.2021 in connection with Uluberia Police Station Case No. 93 of 2020 dated 09.03.2020 under Sections 341/506/323/302 of the Indian Penal Code;

And

In the matter of : **Surojit Ghosh and another.**

**...Petitioners.**

**Mr. Aniruddha Bhattacharya,**  
**Mr. Sagnik Mukherjee.**

**...For the Petitioners**

**Mr. Madhusudan Sur,**  
**Mr. Dipankar Pramanick.**

**... For the State**

The Advocate-on-record of the petitioners 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 petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 93 of 2020 under Sections 341/506/323/302 of the Indian Penal Code.

Two accused have joined together in this application for bail on the premise that they have been unnecessarily entangled therein out of political rivalry and there are no incriminating materials against the petitioners, more particularly, the petitioner no. 2, which would justify his further detention. It is further submitted that the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure does not reveal the complicity of the petitioners to the alleged offence and, therefore, the petitioners should be

released on bail.

The State opposes the prayer for bail and submits that the petitioners along with another co-accused have played an active role in commission of offence and the same would be corroborated from the statement of the witnesses including the injured recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the application for bail filed by the petitioner no. 1 before this Court was rejected on an earlier occasion and there being no changed circumstances, the instant application deserves to be dismissed. However, it is strongly submitted that the petitioner no. 2 cannot stand on different footing that of the petitioner no. 1 because of his role attributable to the commission of offence and, therefore, the entire application is required to be rejected.

After hearing the respective submissions and on perusal of the statement of the witnesses including the injured person and the fact that the earlier application for bail filed by the petitioner no. 1 and the other co-accused than the petitioner no. 2 was rejected, we do not find any changed circumstances, which warrant the consideration of prayer for bail so far as it relates to petitioner no. 1 is concerned.

Reverting to the role of the petitioner no. 2 allegedly attributable to the commission of offence, we have meticulously perused the statement of the injured recorded under Section 164 of the Code of Criminal Procedure and considering the gravity of the offence, we do not think that the petitioner no. 2 can also be released on bail.

The application for bail, being CRM 2596 of 2021, is thus **rejected** at this stage.

After the order is passed, our attention is drawn to the fact that the charges have not been framed as yet. Since last six occasions the dates were fixed for framing charges, yet no alacrity has been shown by the learned Judge in this regard.

We, therefore, direct the learned Judge to frame charges on the next date so fixed and expedite the trial of the case.

**(Harish Tandon, J)**

**(Bibek Chaudhuri,J.)**