

26.07.2021
Ct. No. 32
3 & 4
sdas
rejected

C.R.M. 2974 of 2021
with
CRM 2889 of 2020
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No. 126 dated 04.07.2019 under Sections 120B/170/365/395 of the Indian Penal Code.

And

In Re : Utpal Kumar Kar petitioner

Mr. Sekhar Kumar Basu
Ms. Devipriya Mitra
... for the petitioner

Mr. Nuguive Ahmed, learned A.P.P.
Mr. Anwar Hossain
Ms. Trina Mitra
... for the State

The petitioner is one of the seven accused persons. The charge is one of dacoity.

Mr. Basu, learned senior Counsel appearing for the petitioner submits that the petitioner is in custody for about 2 years. He is suffering from several ailments which require continuous medical attention. It is also submitted that there are 52 witnesses and the trial has not yet begun. It will take a long time to conclude the trial.

The prosecution has produced the case diary. It is submitted by learned Additional Public Prosecutor appearing for the State that the petitioner was identified in the T.I. parade.

We have gone through the material in the case diary and also the statements of various persons under Section 164 of the Code of Criminal Procedure.

The petitioner is a police personnel who is alleged to have committed the crime while on leave. We are of the view that the members of the police force are to be dealt with very strictly in so far as allegations of commission of criminal offence by them are concerned. We are not inclined to allow this application at this stage.

We also note that on 8 April, 2020, a Co-ordinate Bench declined the prayer for interim bail and directed the application for bail being CRM 2889 of 2020 to be posted at a subsequent stage.

Both the bail applications are accordingly rejected.

We however direct the Authorities of the concerned Correctional Home to provide all necessary medical assistance that the petitioner may require.

Further, we request the learned trial court to conduct the trial and conclude the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

