

28.06.2021

(Via Video Conference)

Court No. 28
Item No. 55
Suvayan/sb

CRM 2837 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 18.03.2021 in connection with Muchipara Police Station Case No. 126 of 2019 dated 04.07.2019 under Sections 120B/170/365/395 of the Indian Penal Code.

and

In the matter of: **Mithun Nath @ Hore & Anr.**

..... Petitioners

Mr. Pritam Roy, Advocate

Mr. Sarthak Mondal, Advocate

.....for the Petitioners

Mr. Madhusudan Sur, Ld. APP

Mr. Dipankar Paramanick, Advocate

..... for the State

Advocate-on-record of the petitioner 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 petitioner has filed the instant application for bail in connection with Muchipara Police Station Case No. 126 of 2019 dated 04.07.2019 under Sections 120B/170/365/395 of the Indian Penal Code.

This is a prayer for revisiting the bail, what has been rejected earlier in connection with CRM No. 10275 of 2019 and CRM No. 6397 of 2020.

According to the learned advocate for the petitioners, charge-sheet has been submitted long before but till date there has been no commencement of a trial and as such petitioners are undergoing detention without any justifiable reasons.

Learned advocate for the State raises objection against the prayer for bail submitting that the accused persons were identified in T.I. Parade and dacoity was committed in broad daylight, and there has been recovery of booty. According to the State, it is a very serious offence and release of accused persons on bail at this stage may lead to their abscondance.

Having considered the submissions of both sides, we are not inclined to grant bail to petitioners in the instant case, as there has been no sufficient materials placed showing improvement in the situation warranting a decision, other than the decision already reached by the coordinate bench of this Court, while rejecting their prayer for bail.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM 2837 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)