

03.08.2021  
Item no.35.  
Court No.32.  
AB  
(Rejected)

**(Via Video Conference)**

**CRM No. 3193 of 2021**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Kotwali Police Station Case No.437 of 2019 Dated 3.8.2019 under Sections 341/326/307/34/120B/302 of the Indian Penal Code

And

**In the matter of : Sukdev Saspilly @ Suku**

.....Petitioner.

Mr. Arindam Jana,  
Mr. Bikram Banerjee .....for the Petitioner.

Mr. Madhusudan Sur, Ld. APP,  
Mr. Arijit Ganguly,  
Mr. Dipankar Pramanick .....for the State.

The petitioner is one of the four accused persons. The case was started under Sections 341/326/307/34/120B of the Penal Code. Charge under Section 302 of the Code was later added.

The petitioner says that he has been in custody for two years now. Charge has not yet been framed. Three co-accused persons have been granted bail. There is no chance of the trial beginning at an early date. He should be granted bail.

We have seen the material in the case diary produced by the State. Prima facie, it appears that the petitioner is the principal assailant. The arms were recovered from his possession. The co-accused persons, who have been granted bail, do not stand on the same footing as the petitioner, as has been very fairly stated by the learned Counsel for the petitioner.

Considering the material on record and the gravity of the charge, we are not inclined to allow the petitioner's prayer for bail.

The prayer for bail stands rejected, at this stage.

C.R.M. No.3193 of 2021 is, accordingly, dismissed.

However, we request the learned Trial Court to consider the issue of framing of charges on August 25, 2021 itself, which is the date, we are told, that has been fixed for framing of charges.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**