

18.08.2021

Court No.28
Item No.07
(Rejected)

As/Akd

CRM 3434 of 2021
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Domjur Police Station Case No. 628 of 2018 dated 29.08.2018 under Sections 302/201 of the Indian Penal Code;

And

In the matter of : **Sk. Mansur Ali & Ors.**

...Petitioners

Mr. Suresh Chandra Manna.

...For the Petitioners

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanick.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Domjur Police Station Case No. 628 of 2018 dated 29.08.2018 under Sections 302/201 of the Indian Penal Code.

Practically this is an application renewing the prayer for bail which was earlier rejected by this Court either filed by one of the petitioners to the exclusion of the others or jointly.

The petitioners are seeking bail on the ground of parity as according to the learned Advocate for the petitioners, the co-accused viz., Rojina Begum had already been enlarged on bail by this Court in C.R.M.7394 of 2020 on 9th October, 2020 and, therefore, the petitioners are unnecessarily languishing in jail.

The State opposes the prayer for bail and submits that there is no changed circumstances which warrant a different decision to be taken in the instant application, once the earlier application got dismissed.

After hearing the respective Counsels and on perusal of the materials available from the record, it is no doubt true that the

applications for bail filed by the petitioners either singly or jointly were rejected by the Court and, therefore, there is no changed circumstances which warrant a different decision to be taken. Furthermore, the co-accused who had been enlarged on bail was not prima facie found to have committed the offence but was charged for involvement in disappearance of evidence.

Accordingly, the prayer for bail of the petitioners is rejected.

However, our attention is drawn to the fact that though the charge sheet has already been submitted but the charges have not yet been framed. The last date was fixed on 16th August, 2021. Mr. Sur, learned Advocate for the State informed the Court that the charges were not framed on that date. However, he is unable to disclose the reason for non-framing of the charges in absence of any specific instruction in this regard. The matter which has received in the docket of the Court in the year 2018 cannot be allowed to linger on for no reasons.

We, therefore, direct the trial court to fix a date for framing of charges which should not be exceeded 15 days from date of communication of this order in presence of the respective Counsels. The State shall ensure the compliance of the provisions of law requires on the date fixed for framing of the charges and the Court shall make efforts to frame the charges on the said date itself. After framing the charges, the trial court shall also take endeavour to expedite the trial of the case.

The application for bail, being CRM 3434 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)