

04.08.2021

Court No.28
Item No.50
(REJECTED)

Ab

CRM 3815 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Baruipur Police Station Case No. 2262 of 2020 dated 09.11.2020 under Sections 302/201/34 of the Indian Penal Code;

And

In the matter of : **Chotan Halder.**

...Petitioner.

Mr. Debangana Bhattacharjee,
Ms. Swarnali Saha,
Mr. Samayun Middaya.

...For the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

... For the State

The 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 under Section 439 of the Code of Criminal Procedure in connection with Baruipur Police Station Case No. 2262 of 2020 under Sections 302/201/34 of the Indian Penal Code.

The petitioner says that he is languishing in jail for nearly 267 days in connection with the aforementioned case and there is no incriminating material found against the petitioner leading to his guilt. It is submitted that though charge-sheet has been submitted but there is no likelihood of commencement of trial in near future.

The State opposes the prayer for bail and placed before us the statement of the witness recorded under Section 161 of the Code of Criminal Procedure and the leading statement of the petitioner,

which made the recovery of the offending weapon.

After hearing the respective submissions and on perusal of the material on record and the fact that the offending weapon was recovered on the leading statement of the petitioner, which is admissible under Section 27 of the Evidence Act, we do not think that it is a fit case where the petitioner should be enlarged on bail.

The application for bail, being CRM 3815 of 2021, is thus **rejected.**

However, we request the trial court to expedite the trial.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)