

06.08.2021

Court No.28
Item No.26
(REJECTED)

Saswata

CRM 4028 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 10.06.2021 in connection with Sankrail Police Station Case No. 811 of 2020 dated 11.09.2020 under Sections 302/34 of the Indian Penal Code;

And

In the matter of : **Rajesh Show @ Rajesh Sha**
...Petitioner

Mr. Mritunjoy Chatterjee
Mr. Debapriya Majumder

...For the Petitioner

Ms. Zareen N. Khan
Ms. Trina Mitra

... 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 Sankrail Police Station Case No. 811 of 2020 under Sections 302/34 of the Indian Penal Code.

The petitioner is seeking bail on the ground that he, being a loading assistant (*khalasi*), has no role to play in the commission of murder of the deceased. It is further submitted that the petitioner informed the wife of the deceased, who filed the complaint, that her husband had suffered injuries which led to his death.

Learned Advocate for the State opposes the prayer for bail and submits that somebody else informed the wife of the deceased and not the petitioner, which would be evident from the statement of the complainant, herself. Furthermore, it shows that the CCTV footage of the concerned roadside *dhaba* would disclose that the petitioner,

who is not a driver, ran over the deceased after an altercation at the time of having food.

Considering the statements made by the witnesses, as well as the materials available from the case diary, we do not think that it is a fit case where the petitioner should be enlarged on bail.

However, we take note of the fact that the moment, charge sheet has been filed and the case is committed to trial, it is the paramount duty of the Sessions Judge to take expeditious steps so that justice may be rendered to all parties concerned.

The application for bail is, thus, considered and ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)