

05.10.2021
Item no. 20
Court No.32.
S.De.
(Rejected)

(Via Video Conference)

CRM 4282 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.06.2021 in connection with Palashipara Police Station Case No. 269 of 2018 dated 24.12.2018 under Sections 302/201/376 of the Indian Penal Code.

And

In the matter of : Binay Biswas (Majhi).

.....Petitioner.

Mr. Atis Kr. Biswas, Advocate,
Mr. Amit Singh, Advocate,

.....for the Petitioner.

Mr. Ranabir Ray Chowdhury, Advocate,
Mr. Rudradipta Nandy, Advocate,

.....for the State.

The petitioner renews his prayer for bail in connection with offence under Sections 302/201/376 of the Indian Penal Code.

Learned advocate for the petitioner submits that the petitioner is in custody for 1014 days and there are no incriminating material against this petitioner save and except some circumstantial evidence and, accordingly, his bail prayer may be considered and allowed.

Learned advocate for the State opposes such prayer for bail and submits that there is clinching evidence against the petitioner of his involvement in the alleged offence and

furthermore there has been recovery of articles belonging to the victim soon after the incident from the possession of the petitioner and, accordingly, the bail prayer of the petitioner be rejected.

We have heard learned advocates of both the sides and perused the material in the case diary. It appears from the seizure list that there has been recovery of articles of the victim from the house of the petitioner. Further, the bail prayer of this petitioner was rejected by a co-ordinate Bench of this Hon'ble Court in CRM 5447 of 2019 and in CRM 12248 of 2019.

Considering such material and keeping in mind the complicity of the petitioner as well as the nature and gravity of the offence, we are not inclined to allow the bail prayer of the petitioner, at this stage.

CRM 4282 of 2021 is, accordingly, dismissed.

However, having regard to the long detention of the petitioner, we request the learned Trial Court to expedite the trial and bring the same to its logical conclusion as soon as possible.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)