

23.08.2021
Item no.65.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 4346 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.6.2021 in connection with Farakka Police Station Case No.167 of 2019 Dated 4.5.2019 under Sections 448/326/307/34/302 of the Indian Penal Code

And

In the matter of : Rejaul Sk. @ Rejul

.....Petitioner.

Mr. Sabir Ahmed,
Mr. Jeeshan Ahmed,
Mr. M. A. Naskar for the Petitioner.

Ms. Z. N. Khan,
Ms. Sreeparna Das for the State.

The petitioner renews his prayer for bail after such prayer was rejected by Coordinate Benches of this Court at least five times earlier. The petitioner submits that he is in custody for about 800 days and there has been no progress in trial of the case since last rejection of his prayer for bail. In fact, the case has not been committed to the learned Sessions Court till date.

The State opposes the prayer for bail and refers to the material in the case diary.

It appears that the prayer of the petitioner was rejected earlier on five occasions by Coordinate Benches of this Court

and such prayer was rejected lastly by an order dated 23.3.2021 passed in CRM No.994 of 2021.

Sufficient incriminating material appears to have transpired against the petitioner in course of investigation and the petitioner, the State submits, was the principal assailant, who dealt the fatal blow on the victim, which resulted in his death.

Upon considering the material available in the case diary and in view of prima facie involvement of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner, at this stage.

We are informed that out of two accused persons, the petitioner is in custody for about 800 days and the other is still absconding. In view of the protracted detention of the petitioner, we request the learned Trial Court to exhaust all procedures for arrest of the co-accused and after exhaustion of such procedures, the Trial Court may take necessary steps for splitting up the trial and committing the case to the learned Sessions Court in accordance with law.

The prayer for bail stands rejected.

C.R.M. No.4346 of 2021 is, accordingly, dismissed.

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.)

