

22.09.2021
Court No.28
Item No.43
(REJECTED)

Saswata

CRM 4481 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Cossipore Police Station Case No. 9 of 2008 dated 16.01.2008 under Sections 302/307/234 of the Indian Penal Code read with Sections 25(1B)/(a)/27 of the Arms Act;

And

In the matter of : **Sk. Javed @ Bhola**

...Petitioner.

Ms. Sutapa Sanyal
Mr. Triptimoy Talukder

...For the Petitioner

Mr. Neguive Ahmed, Ld. APP
Ms. Trina Maitra

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Cossipore Police Station Case No. 9 of 2008 under Sections 302/307/234 of the Indian Penal Code read with Sections 25(1B)/(a)/27 of the Arms Act on the ground that he has been in custody for 13 years.

Trial of the case is virtually completed and the mother of the petitioner is seriously ill.

Learned Public Prosecutor-in-charge has raised serious objection against the prayer for bail.

It is found from the application under Section 439 Cr.P.C. that the trial of the case has already been concluded and the same is pending for examination of the accused persons under Section 313 of the Code of Criminal Procedure.

Since the accused faced custodial trial, we are of the view that he should remain in custody till the logical conclusion of the trial of the case.

In view of such circumstances, prayer for bail is ***rejected***.

The learned Trial Judge is requested to examine the accused persons under Section 313 of the Code of Criminal Procedure positively on the next date fixed.

The application for bail being CRM 4481 of 2021 is accordingly ***dismissed***.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)