

70. 30.09.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4708 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **13/06/2021** arising out of **Ratua Police Station Case No. 230 of 2019** dated **01/06/2019** under Sections **302/34** of the Indian Penal Code. Charge-sheet No. 326/2019 dated 18/08/2019 under Sections **302** of the Indian Penal Code.

And

In the matter of: - **Jainul Mia**

...petitioner.

Mr. Kallol Mondal,
Mr. Musharraf Alam,
Mr. Krishan Ray

...for the petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Ms. Amita Gaur,
Ms. Trina Mitra

...for the State.

The petitioner renews his prayer for bail in connection with offence under Sections 302/34 of the Indian Penal Code. Learned Advocate for the petitioner submits that he is languishing in custody for two years and four months without the case being committed for trial and disposal. Accordingly, he should be enlarged on bail.

The prayer for bail of the petitioner is opposed by the State and learned Advocate for the State submits that there are specific allegations against this petitioner of his involvement in the alleged offence and as such, the bail prayer should be rejected.

We have heard learned Advocates of both the sides and perused the material in the Case Diary. It appears from the

statements of witnesses recorded under Section 161 of the Code of Criminal Procedure that there are direct allegations against this petitioner of his involvement in the alleged offence.

Considering the material in the Case Diary and keeping in mind the nature and gravity of the offence, we are not inclined to allow the bail prayer of this petitioner.

Accordingly, the application for bail being C.R.M. 4708 of 2021 is **dismissed**.

However, it is found that this petitioner is in custody for the last two years and four months. Considering such detention, we request the learned trial Court to expedite the consideration of charge, if committed, or the learned trial Court is directed to commit the case record, if not committed, as expeditiously as possible within a period of sixty days.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)