

01.12.2021
Item no.18
Court No.32
Avijit Mitra

C.R.M. 6461 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal;

And

In Re : Jane Alam Sk. @ Janai

.... petitioner

Mr. Jayanta Narayan Chatterjee,
Mr. Nazir Ahmed,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee

....for the petitioner

Ms. Sujata Das

..... for the State

Mr. Golam Karim Chowdhury

.....for the *de facto* complainant

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ausgram Police Station Case No. 138 of 2020 dated 10.06.2020 under sections 341/326/307/304 and 34 of the Indian Penal Code.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner was not named in the FIR and he has been falsely implicated. Upon conclusion of investigation chargesheet has also been submitted and as such, further detention of the petitioner, who is in custody for 450 days, is not warranted, more so when, there is no possibility towards conclusion of trial in the near future.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents

in the case diary. She submits that the offending weapons were recovered from the possession of the petitioner and the delay in proceeding with the trial is not also totally attributable to the State since out of 14 accused persons 9 are absconding.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Records reveal that the petitioner's prayer for bail was last rejected on 9th August, 2021. There had been no substantial change in the circumstances subsequent to such rejection of the petitioner's prayer. Considering the gravity of the offence and the extent of the complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such his prayer for bail is refused.

The application for bail being C.R.M. No.6461 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)