

18.11.2021
 Ct No. 28
 D/L 9
 ab/rrc

C.R.M. 7036 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Chinsurah Police Station Case No. 146/2020 dated 14.05.2020 under Sections 302/201 of the Indian Penal Code.

In Re: **Sk. Raju**

... petitioner

Mr. Sudip Ghosh Chowdhury

... for the petitioner

Mr. Sudip Ghosh
 Mr. Bitasok Banerjee

.... for the State

The learned Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Chinsurah Police Station Case No. 146/2020 dated 14.05.2020 under Sections 302/201 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for nearly 552 days in connection with the aforementioned case. It is further submitted that charge sheet has already been submitted and, therefore, no further custodial interrogation of the petitioner is

required. Lastly, it is submitted that the mother of the petitioner has been granted anticipatory bail.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the mother-in-law of the deceased was not charged with Section 302 of the Indian Penal Code, but under Section 201 of the Indian Penal Code, as she tried to conceal the evidence and, therefore, the petitioner cannot claim parity. It is further submitted that there is incriminating materials against the petitioner and in fact, the eye witness has disclosed the incident in his statement recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective counsels and on perusal of the materials on record, we find that the mother-in-law of the deceased was not charged under Section 302 of the Indian Penal Code and even if she has been granted anticipatory bail, the petitioner cannot claim parity. Furthermore, the eye witness has clearly disclosed the role attributable to the commission of an offence by the petitioner and, therefore, we do not find any ground for releasing the petitioner on bail. Accordingly, the prayer for bail is rejected.

Since the charge sheet has already been submitted and the case is committed to the Court of Sessions, we direct the court below to make an endeavour to commence the trial and bring to its logical end at an earliest.

The application for bail being **CRM 7036 of 2021** is
dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)