

08.11.2021
tkm/ct 28
sl no. 118

C.R.M. 7046 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Haroa P.S case no. 500/2019 dated 22.11.2019 under sections 447/448/325/307/302/506/34 of the Indian Penal Code

And

In Re : Khatip Molla @ Khatib Molla & Anr. petitioners

Mr. S Lahiri

..... for the petitioners

Mr. S G Mukherjee, Id PP

Mr. Sudip Ghosh

Ms. Sonali Das

..... for the State

Petitioners are in custody for 116 days. It is contended that the petitioners were initially released on bail by this court which order, however, was set aside by the Apex Court in Criminal Appeal No. 625 of 2021. Thereafter, the petitioners surrendered and are in custody. Since then, there is little progress in the case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. We note that there was a prior land dispute between the parties. However, statement of witnesses disclose specific role and overt acts of the petitioners in the assault of the deceased resulting in his death.

In view of the aforesaid facts and circumstances of the case, we are not inclined to grant bail to the petitioners at this stage

Accordingly, the prayer for bail is rejected.

Trial court is requested to consider the issue of framing of charge at the earliest and in the event charge is framed, to take the matter to its logical conclusion without granting unnecessary adjournments to the parties.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)