

15.11.2021
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rejected

C.R.M. 7054 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 427 of 2019 dated 24.11.2019 under Sections 363/365/120B of the Indian Penal Code adding Sections 302/201 of the Indian Penal Code.

And

In Re : Irsad Kha @ Kattu Kha petitioner

Mr. Abdur Rakib

... for the petitioner

Mr. Sudip Ghosh

Ms. Sonali Das

... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 400 days. Co-accused is on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits that on the leading statement of the petitioner dead body of the deceased was recovered.

Pursuant to the leading statement of the petitioner dead body was recovered. He stands on a different footing from the co-accused who has been enlarged on bail.

Under such circumstances particularly in view of gravity of the offence and as the prayer for bail of the petitioner was rejected earlier on a number of times, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

However, we request the trial court to take necessary steps to consider the issue of framing of charge at the earliest and in the event such charge is framed to conclude the trial as expeditiously as possible preferably within three months from the next date fixed before it and upon the charge being framed to take to its logical conclusion without granting any unnecessary adjournment to either of the parties.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

