

22.11.2021
Ct No. 28
D/L 25
ab/rrc

C.R.M. 7468 of 2021
(Via Video Conference)

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Suri Police Station Case No. 282/2018 dated 24.06.2018 under Sections 364/368/302/201/120B of the Indian Penal Code.

In Re: **Rabin Ghosh @ Robin Ghosh & Anr.**
... petitioners

Mr. Saryati Dutta
... for the petitioners

Mr. Rana Mukherjee
Ms. Sujata Das
.... for the State

The learned Advocate-on-record of the petitioners 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 petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Suri Police Station Case No. 282/2018 dated 24.06.2018 under Sections 364/368/302/201/120B of the Indian Penal Code.

This is a second round of litigation at the behest of the petitioners before this Court. The earlier application for bail being CRM 3783 of 2021 was rejected on 9th August, 2021 with the categorical finding that the

allegations against the petitioners are extremely serious and once the trial has commenced, all such pleas which have been taken by the petitioners, can be conveniently decided by the learned Sessions Judge while passing the final order.

Learned Advocate for the petitioners submits that out of five charge sheeted witnesses, three witnesses who have been examined, have not disclosed any overt act of the petitioners in commission of the said offence and, therefore, in absence of any incriminating material against the petitioners, they should immediately be enlarged on bail.

Learned Advocate appearing for the State opposes the prayer for bail. It is submitted that there has been incriminating materials found against the petitioners and in fact, the trial has commenced, all the charge sheeted witnesses are required to be examined to prove the guilt of the petitioners and, therefore, they should not be released on bail.

After hearing the respective submissions and on perusal of the materials on record, it is undeniable that the earlier application for bail filed by the petitioners was rejected on 9th August, 2021. Since thereafter, we have not seen any changed circumstances warranting a different decision to be taken in this regard. The witnesses are being examined and we trust and hope that the case would come to its logical conclusion in near future.

We, thus, do not find any ground warranting an order for release of the petitioners on bail. Accordingly, the prayer for bail is rejected.

However, we request the learned Sessions Judge to expedite the trial of the case.

The application for bail being **CRM 7468 of 2021** is **dismissed**.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)