

18.01.2021
Item No.26
Ct.No.28
Subha
rejected

C.R.M. 7100 of 2020
with
CRAN 1 of 2020
(Via Video Conference)

Noyaj Ali Khan @ Nuaj Khan
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Tehatta P.S. Case No.18 of 2020 dated 12-01-2020 under Sections 302/34 of the Indian Penal Code (Sessions Case No. 34 of 2020).

Mr. Arindam Jana
Mr. Asraf Mondal
Mr. Sumanta Das

... For the Petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... For the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 326 days and although charge-sheet has been submitted but charge is yet to be framed.

Learned advocate for the petitioner draws the attention of this Court to the order dated 14-01-2021 where the next date has been fixed for production and further orders before the learned trial court. The certified copy reflects that the next date is fixed on 17th February, 2021 for charge.

Mr. Banerjee, learned advocate appearing for the State refers to the statement recorded under Section 164 of the Code of Criminal Procedure which was by the daughter of the victim and also by the son of the victim. Both the statements taken together refer to the present petitioner.

Such submission of the learned advocate for the petitioner was taken into consideration by a Co-ordinate Bench of this Court in CRM 4479 of 2020 and by an order dated 26th June, 2020, the application for bail of the petitioner was rejected by this Court.

There has been no change of circumstances till date and as such having taken into consideration the materials on record and the statement of the witnesses, we are not inclined to release the present petitioner on bail at this stage.

Accordingly, the prayer for bail of the present petitioner is rejected.

The application for bail being CRM 7100 of 2020 along with connected application being CRAN 1 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)