

29.01.2021
Item no.13
Court No.28
Avijit Mitra

C.R.M.10851 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kaliganj Police Station Case No.366 of 2013 dated 22.05.2013 under Sections 364/302/201/120B/34 of the Indian Penal Code;

And

In Re : Kashi Ghosh @ Kashinath Ghosh

.... petitioner

Mrs. Subhjasree Patel

....for the petitioner

Mr. Swapan Banerjee,

Mr. Suman Dey

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 695 days and persons similarly placed have been released on bail. Learned advocate further submits that although chargesheet has been submitted but till date charge has not been framed and as such the petitioner is entitled to bail.

Mr. Banerjee, learned advocate appearing for the State opposes the prayer for bail and submits that although the petitioner is on the same footing as of other accused persons but he has been absconding for about five years.

We have taken into account the materials on record and more particularly, the conduct of the petitioner who was abusing the process of law. Having regard to the fact that the petitioner is absconding for a period of five years, we are not inclined to release the petitioner on bail at this stage.

Accordingly, prayer for bail of the petitioner is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)