

17.03.2021

Item No.29

Ct.No.28

dc.

C.R.M. 11029 of 2020

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Hardwood Point Coastal P.S. Case No. 10 of 2020 dated 20.01.2020 under Sections 302/201/34 of the Indian Penal Code and charge-sheet submitted vide charge-sheet No. 65 of 2020 dated 08.04.2020 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : **Arun Ari**

... Petitioner.

Mr. Partha Sarathi Mondal

... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Manoranjan Mahata

... For the State.

This is an application for bail in connection with Hardwood Point Coastal P.S. Case No. 10 of 2020 dated 20.01.2020 under Sections 302/201/34 of the Indian Penal Code at the behest of the petitioner.

The bail application has been taken out by the petitioner alleging that he is in custody for nearly one year two months. No progress has been shown in the case as the charges have not been framed as well.

The learned advocate appearing for the State opposes the prayer for bail and relies upon the extra-judicial confession by the petitioner.

We have perused the earlier order of rejection of the bail application filed by the petitioner jointly with Jatin Mistri on 28.07.2020. The reason for rejection of the bail was based upon the incriminating materials found against the petitioner. Simply because the charges have not been framed, we do not feel that such circumstances can be treated as changed circumstances for enlarging the petitioner on bail. As such, the petitioner's prayer for bail is **rejected**.

However, since the next date is fixed for framing of the charges on 5th May, 2021, it is expected that the court below would take up the matter on the said date and effort shall be shown to take a decision of framing of charges on that date itself.

The application for bail, being CRM 11029 of 2020, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)