

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 240 of 2021
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No. 64 of 2011 dated 28.02.2011 under Sections 395/397 of the Indian Penal Code, 1860 and Charge Sheet No.138 of 2011 dated 12.06.2011 submitted under Sections 395/397/396/216(A)/412 of the Indian Penal Code, 1860.

And

In the matter of: Md. Yusuf Ali @ Yusuf Ali @ Usuf Ali @ Miah
.... Petitioner

Mr. Anirban Banerjee

... For the Petitioner

Mr. Aditi Sankar Chakraborty

... For the State

Learned counsel for the petitioner submits that in view of the prolonged detention in custody, the petitioner should be granted bail on any stringent condition. He prays for bail also on the ground that similarly circumstanced other co-accused have already been enlarged on bail.

Learned counsel for the State opposes the prayer for bail and submits that there are sufficient materials connecting the petitioner directly with the alleged offence.

Having regard to the gravity of the offence and the fact that the trial is already in progress, we are of the opinion that the petitioner should not be granted bail at this stage. Also, the co-accused persons enlarged on bail are not on the same footing as the petitioner as far as the allegations are concerned. The prayer for bail is thus refused.

However, we direct the learned Additional Sessions Judge, Cooch Behar to conclude the trial as expeditiously as possible,

positively within a period of six months from the date of communication of this order to the said court.

CRM 240 of 2021 is thus disposed of.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)