

C.R.M. (DB) 36 of 2022

05.04.2022
Sl. 88
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Muchipara** Police Station Case No. **126** of **2019** dated **04.07.2019** under Sections **120B/170/365/395** of the Indian Penal Code.

And

In the matter of: **Mithun Nath @ Hore & Anr.**

....petitioners.

Mr. Shiladitya Barma,

...for the petitioners.

Ms. Zareen N. Khan,

Mr. Ashok Das,

...for the State.

List of dates filed on behalf of the State, be taken on record.

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody in excess of 900 days. The police filed charge-sheet. However, the charges are not being framed.

Learned advocate appearing for the State submits that the charges are not being framed for reasons beyond the trial of the prosecution. Either the Presiding Officer is on leave or there is a resolution of the Bar Association due to the ongoing pandemic or the accused persons are taking time.

The case diary suggests that the petitioners are involved in a daring dacoity. The petitioners were identified in the Test Identification Parade. The recoveries were also made from the possession of the petitioners.

Considering the gravity of the offence and the involvement of the petitioners therein and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection, we are unable to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

C.R.M. (DB) 36 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

