

04.03.2022

Court No.32
rpan /16

CRM (DB) 219 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Harishchandrapur Police Station Case no.98 of 2020 dated 05.02.2020 under Sections 341/326/307/302/324/34 of the Indian Penal Code, 1860;

And

In Re. : **Umar Faruque @ Umar Faruk**

- Petitioner.

Mr. Himanshu De,
Mr. Navanil De,
Mr. Asfaak Ahmed,
Mr. Subhrajit Dey
... for the petitioner.
Mr. Neguive Ahmed,
Ms. Trina Mitra
... for the State.

Mr. De, learned senior advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 748 days. There had been no substantial progress in the trial after the petitioner's prayer for bail was last rejected on 9th August, 2021. Co-accused persons, similarly situated with the petitioner, had already been enlarged on bail and in the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ahmed, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is the principal accused and draws our attention to the statements of the witnesses as well as the post-mortem report. Answering our query, he submits that supplementary charge sheet has been

submitted before the learned court below on 17th January, 2022, however, the case has not been committed.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, its ramifications, the injuries inflicted upon the deceased and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

However, the learned court below is directed to commit the case within a month from the date of communication of this order.

With the above observations, the application for bail, being CRM (DB) 219 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)