

Via video conference

07.03.22

(S.R.)

Sl.45

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No.755 of 2021 dated 28/07/2021 under Sections 406/420/467/468/471/120B of the Indian Penal Code (G.R. Case No.2861 of 2021);

And

In re: Santosh Hazra

... petitioner.

Mr. Ali Ahsan Alamgir

Ms. Riya Das

... for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Mr. Alamgir, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 220 days. There is no possibility towards conclusion of the trial in the near future. Out of five co-accused persons four are on bail and the role assigned to the petitioner is similar to the said co-accused persons, who have been enlarged on bail. He further submits that the petitioner's prayer was last rejected on 15th November, 2021 on the basis of the submission made on behalf of the State that there had been recovery of forged and fabricated documents from the petitioner's residence. However, fact remains that there had also been seizure of incriminating materials from the other co-accused persons, who were granted bail.

Mr. Nandy, learned advocate appearing for the State disputes such contention and draws our attention to several documents in the case diary.

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

In our opinion there had been no substantial change in the

circumstances subsequent to rejection of the petitioner's prayer for bail on 15th November, 2021. Considering the nature of accusations and the extent of the petitioner's complicity 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 Chief Judicial Magistrate, Murshidabad is directed to commit the matter within fifteen days from the date of communication of this order and charges shall be considered within one month from the date of commitment.

With the above observations and directions, the application for bail being CRM(DB) No.322 of 2022 is, accordingly, 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.)