

11.04.2022
Serial no.46
Aloke
Ct. No. 29

CRM (DB) 788 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2022 in connection with Harwood Point P.S. Case No. 10 of 2020 dated 20.01.2020 under Sections 302/201/34 of the Indian Penal Code.

-And-

In the matter of: **Arun Ari**

... ..Petitioner

Ms. Subhasree Patel, Advocate

Mr. Saikat Mondal, Advocate

Ms. Puja Mahapatra, Advocate

... .. For the Petitioner

Mr. Nuguive Ahmed, Advocate

Ms. Trina Mitra, Advocate

... .. For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 811 days. There is no material implicating the petitioner.

Learned Advocate appearing for the State draws the attention to the statement recorded under Section 164 of the Code of Criminal Procedure.

The report as called for filed in Court be taken on record.

The co-accused was granted bail on July 28, 2020 in CRM 5034 of 2020 when the prayer for bail of the petitioner was rejected. The co-accused was granted bail largely on consideration of the advance age of such co-accused.

There is hardly any material change in circumstances subsequent to the earlier order of rejection.

The charges could not be framed since co-accused who was enlarged on bail is not attending Court and consequently it cannot be said that the prosecution is indolent so far as the framing of charges are concerned.

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

CRM (DB) 788 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)