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(AD)

26.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 1097 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with SC No.39/2020 corresponding to GR Case No.4543/2019 arising out of **Sandeshkhali** P.S. Case No.**212** dated **02.11.2019** under Sections**147/148/149/186/333/353/326/307/427/435/302** of the Indian Penal Code, 1860 and under Sections **25(i)(a)/27(i)/35** of the Arms Act.

And

In the matter of: Bidhan Sardar

....petitioner.

Mr. Sourav Chatterjee
Mr. Satadru Lahiri
Mr. Safdar Azam

...for the petitioner.

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 902 days. The charges are yet to be framed and, therefore, there is hardly any possibility of concluding the trial any time soon. He submits that the earlier order of rejection records the stage of the trial. Since the charges were not framed the question of the trial commencing does not arise.

Learned Advocate appearing for the State draws the attention of the Court to the order dated April 18, 2022 passed by the jurisdictional Court. He submits that there is a criminal revisional application pending which is preventing the framing of charges. The petitioner is misutilising the process of the law

and is not allowing the charges to be framed.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary and considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection dated November 23, 2021 and considering the fact that the pending criminal revisional application is preventing the Court to frame the charges, we are unable to enlarge the petitioner on bail.

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

C.R.M. (DB) 1097 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)