

CRM No.5863 of 2021

Via video conference

23.02.22

(S.R.)

Sl.200

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No.362 of 2015 dated 12/07/2015 under Sections 363/365/376 of the Indian Penal Code (Corresponding to G.R. Case No.2373 of 2015);

And

In re: Jinnat @ Miarul Hoque @ Miyarul Hoque

... petitioner.

Mr. Mazhar Hossain Chowdhury

Mr. Mobashshar Alam

... for the petitioner.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

Mr. Chowdhury, learned advocate appearing for the petitioner submits that the ingredients of Section 376 of the Code are not attracted against the petitioner. He has already suffered long incarceration for two years one month. Upon completion of investigation charge sheet has also been submitted. As such, further detention may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and submits that the principal accused is still absconding and as such, the trial could not commence. The materials on record clearly reveal the direct involvement of the petitioner in the alleged offence.

Heard the learned advocates and considered the materials in the case diary.

Records reveal that the petitioner's earlier prayer for bail was rejected on 11th June, 2021. We do not find any substantial change in the circumstances subsequent thereto. Considering the seriousness of the offence, its ramifications 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.

The application for bail being CRM No.5863 of 2021 is, accordingly, dismissed.

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.)