

13.04.2022
Serial no.91
[Dd]
(Bail **Rejected**)

CRM 8952 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **150** of **2018** dated **06.05.2018** under Sections **364/302/201/120B** of the Indian Penal Code read with Section **27** of the Arms Act and Section **9(b)** of the Indian Explosives Act, corresponding to G.R. Case No. **752/2018**.

-And-

In the matter of : Alauddin @ Bura

... ..Petitioner

Mr. Milon Mukherjee, Id. Sr. adv.
Mr. Safiur Rahaman,
Mr. Rahul Ganguly,
Mr. Sourav Paul, Advocates
... .. For the Petitioner

Mr. Neguive Ahmed, Id APP
Ms. Amita Gaur, Advocates
... ..For the State

Mr. Arindam Jana,
Mr. Kaushik Dey, Advocates
.. ...For the de facto complainant

Petitioner renews the prayer for bail.

Learned senior advocate appearing for the petitioner canvasses essentially two points for the grant of bail. He submits that the petitioner is undoubtedly detained in custody by reason of the defaults of the police not filing the supplementary charge sheet against three of the accuseds. He draws the attention of the Court to the first charge sheet submitted.

He submits that some of the accuseds were discharged in the charge sheet. There are three persons against whom, the police are yet to file charge sheet and, therefore, question of framing of charges cannot arise. The

petitioner is languishing in jail since 2019. He submits that supplementary charge sheet not being submitted against three of the other co-accuseds, it would not be possible to split the trial.

Learned Additional Public Prosecution submits on the basis of the instructions of the Investigating Officer present in Court that supplementary charge sheet would be submitted in respect of other co-accuseds within a period of three months from date.

The de facto complainant is represented.

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, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM 8952 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)