

23.11.2022
Sl. No.34
akd
[Rejected]

C. R. M. (DB) 4073 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.11.2022 in connection with Haroa Police Station Case No. 500 of 2019 dated 22.11.2019 under Sections 341/325/308/506/34/302/307 of the Indian Penal Code. (G.R. Case No.5079 of 2019)

And

In Re: ***Khatib Molla & Anr.***

... .. Petitioners

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous
Ms. Tithi Majumder

... .. for the petitioners

Mr. N. G. Sarkar
Mr. Devranjan Das

... .. for the de-facto complainant

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that they were on bail but their bail came to be cancelled by the Apex Court. Subsequently, their bail prayer was rejected by this court which was unsuccessfully assailed before the Apex Court in September, 2022. However, the court gave liberty to the petitioners to apply for regular bail in the event there is change in circumstance or delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits there are ample materials to show petitioners assaulted the victim who died. Their bail prayer was rejected on merits earlier and was affirmed by the Apex Court. Thereafter, date has been fixed for consideration of charge in December, 2022.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail and submits delay was engineered by co-accuseds who did not attend the court proceedings.

We have considered the materials on record. There are materials connecting the petitioners with the murder. Their bail prayer was rejected on merits earlier. Though liberty was given by the Apex Court to pray for bail afresh, we do not find any change in circumstances or inordinate delay which would justify such relief. Hence, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is thus **rejected**.

Trial court is directed to consider the issue of framing of charge on the date fixed and if it is unable to do so positively within three months thereof and in the event, charge is framed to take the proceeding to its logical conclusion with utmost expedition without granting unnecessary adjournments to either of the parties.

Parties shall cooperate with the trial court in that regard.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)