

28.11.2022

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rejected

C.R.M.(DB) No. 4156 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Aushgram Police Station Case No. 138 of 2020 dated 10.06.2020 under Sections 341/326/307/302/34 of the Indian Penal Code.

And

In Re : Jane Alam Sk. @ Kota petitioner

Mr. Santanu Maji

... for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

... for the State

Mr. S. Ahmed

Mr. G. K. Chowdhuri

Mr. Lutfal Haque

.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted that the incident occurred in the course of a free fight. Case and counter case were registered. There is little possibility of the trial commencing let alone concluding in the near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the co-accuseds including Jane Alam Sk. @ Janai and Indadul Sekh were rejected by this Court.

We have considered materials on record. Petitioner was a member of a group who had assaulted the victim. Bail pryar

of the co-accuseds, Jane Alam Sk. @ Janai and Indadul Sekh were rejected by co-ordinate Benches of this Court. Since rejection of bail of Indadul Sekh in March, 2022, case was committed to the Court of Sessions. It cannot be said there is no progress in the matter.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)