

02.11.2023
Court No.8
(D/L 55)
(jb.)
jdt.

CRM (DB) 4227 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 26th July.2023 in connection with Jagaddal Police Station Case No. 916 of 2019 dated 26.10.2019 under Sections 302/201/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of: **Suraj Tiwari @ Suraj Tewary**

... Petitioner.

Mr. Souvik Mitter

Mr. Kalyan Kr. Bhattacharjee

... for the petitioner.

Mr. Debasis Kar

... for the *de facto* complainant

Zareen N. Khan

Md. Kutubuddin

... for the State.

1. Learned counsel for the petitioner submits that although previously the petitioner was granted bail, the same was cancelled subsequently due to alleged violation of one of the conditions, being not to enter the District of North 24 Parganas. It is contended that the said violation was not intentional, since the petitioner was not properly aware of the said condition.

2. Subsequently, the petitioner's further application for bail was rejected on July 6, 2023. However, other co-accused persons have been enlarged on bail.

3. Learned counsel for the *de facto* complainant as well as the State vehemently opposes the prayer for bail and contend that in view of the circumstances of the present case, the said prayer ought to be refused.

4. We find from the order dated July 6, 2023 of the co-ordinate Bench, before which the petitioner's prayer for bail was rejected, clearly took into consideration all the surrounding circumstances including the fact that the petitioner had been enlarged on bail earlier but had violated the condition of bail and had been rearrested as well as that the petitioner has criminal antecedents.

5. Since only about four months have elapsed after the previous rejection, we do not find any change of circumstances to grant bail to the petitioner.

6. Accordingly, CRM (DB) 4227 of 2023 is dismissed.

7. However, the trial Court is directed to expedite the trial as far as possible and conclude the same preferably within one year from date.

(SABYASACHI BHATTACHARYYA, J.)

(PARTHA SARATHI CHATTERJEE, J.)