

13.03.2024
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rejected

C.R.M.(DB) No. 624 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No. 375 of 2021 dated 26.10.2021 under Sections 326/307/120B of the Indian Penal Code.

And

In Re : Md. Juhi @ Kallu @ Afzal Javed @ Kaloo @ Juhi Babu Petitioner

Mr. Satadru Lahiri
Mr. Souorav Paul

....for the petitioner

Mr. Debasish Roy, learned PP
Mr. Rudradipta Nandy, learned APP
Ms. Pritha Paul

... for the State

Mr. Phiroze Edulji

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 870 days. It is also submitted there is delay in trial. Due to obstruction by the members of local Bar he is unable to defend himself effectively. He prays for bail.

2. Learned Counsel for the State and de facto complainant oppose the bail prayer and submit delay was engineered at the behest of the petitioner. He along with other accused had assaulted a member of the Bar who suffered life threatening injuries.

3. Learned Counsel for the de facto complainant denies and disputes the insinuation that defence lawyers have been heckled and obstructed.

4. In view of the submissions made on behalf of the petitioner with regard to denial of effective legal representation, we requested him to submit the names of the learned Counsels who would represent him in the trial. Petitioner has stated learned Counsels viz. 1. Md. Sajed, 2) Syed Mohammed Ashin, 3) Syed Asif and 4) Ms. Sana Sabin shall represent him in the trial.

5. We have considered the materials on record. Statements of injured persons and medical papers show petitioner and co-accused had assaulted the victim resulting in serious injuries. Charges have already been framed and vital witnesses are yet to be examined. Under such circumstances we are not inclined to grant bail to the petitioner at this stage.

6. Application for bail is, thus, rejected.

7. We direct petitioner shall be represented by his learned Counsels viz. 1. Md. Sajed, 2) Syed Mohammed Ashin, 3) Syed Asif and 4) Ms. Sana Sabin. Trial court and police administration are directed to ensure that no obstruction is caused to the aforesaid learned Counsels who shall represent the petitioner in the trial.

8. Parties shall communicate this order to the trial court as well as Commissioner of Police, Howrah Commissionerate for necessary compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)