

07.03.2024
Sl. No.27
akd
[Rejected]

C. R. M. (DB) 738 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2024 in connection with Panchasayar Police Station Case No.20 of 2020 dated 17.03.2020 under Sections 302/324/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 120B/302/324/34 of the Indian Penal Code.

And

In Re: ***Santu Chatterjee***

... .. Petitioner

Mr. Soumon Nanda

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor

Mr. Sudip Ghosh

Ms. Rita Datta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years and ten months. It is further submitted petitioner stands on the same footing with co-accused viz. Sk. Moinuddin @ Babu who has been enlarged on bail. He did not give the fatal blow. There is no possibility of trial concluding in the near future. Accordingly, he renews his prayer for bail.
2. Learned Public Prosecutor opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier by a coordinate Bench of this court distinguishing his role in the case from co-accused viz. Sk. Moinuddin @ Babu. Trial is in progress.
3. We have considered the materials on record. A coordinate Bench of this court turned down the bail prayer of the petitioner holding he does not stand on the same footing with co-accused viz. Sk. Moinuddin @ Babu who has not been named by the approver. Approver has been examined as PW 1. He is the driver of the vehicle which the miscreants had used to come to the spot. He

spoke of presence of the petitioner but not of co-accused viz. Sk. Moinuddin @ Babu.

4. It is strenuously argued other eyewitnesses have implicated Sk. Moinuddin @ Babu also. But their deposition is not corroborated by the approver whereas petitioner's role coming from eyewitnesses' version is corroborated by the approver's evidence. Petitioner stands on a graver footing than co-accused viz. Sk. Moinuddin @ Babu who has been enlarged on bail. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)