

15.04.2024
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rejected

C.R.M.(DB) No. 1122 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 295 of 2020 dated 07.08.2020 under Sections 341/325/326/307/302/427/506/34 of the Indian Penal Code.

And

In Re : Sk. Jamir Hussain @ Chandu petitioner

Mr. Avik Ghatak
Mr. Saibal Krishna Dasgupta
....for the petitioner

Mr. Joydeep Roy
Mr. Sourat Nandy
... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and eight months. It is also submitted co-accused are on bail. There is no possibility of trial concluding in the near future. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner and others had conjointly assaulted the deceased and thrown bombs at him. As a result he died. Petitioner had criminal antecedents.

3. We have considered the materials on record. Statements of the eye-witnesses before learned Magistrate show petitioner had assaulted the deceased. Thereafter bomb was thrown at him. Co-accused who have been enlarged on bail including Sk Imam and Sk. Insan did not assault the deceased. In view of the aforesaid we are of the opinion petitioner does not

stand on the same footing with co-accused who have been enlarged on bail. Offences if proved would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)