

10.06.2024
Item no. 62.
Court No.28.
AB
(Rejected)

CRM (DB) 1663 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No.589 of 2022 Dated 17.7.2022 under Sections 302 of the Indian Penal Code

And

In the matter of : Mahaddesh Sk. @ Mohaddas Sk.

.....Petitioner.

Mr. Debarshi Brahmafor the Petitioner.

Mr. Subhamoy Bhattacharya,
Ms. Rajashree Tahfor the State.

The petitioner renews his prayer for bail. His prayer was rejected thrice earlier, lastly on December 1, 2023, by an order passed in CRM (DB) 4323 of 2023.

The charge is of murder. The petitioner says that he has been falsely implicated. Charge sheet was filed way back in September, 2022, but trial has not yet started. He has been in custody for 680 days. Nobody knows when the trial will start or conclude. He should be enlarged on bail on such conditions as this Court may deem fit and proper.

Learned Advocate for the State strongly opposes the prayer for bail. He draws our attention to statements of two eyewitnesses recorded under Section 164 Cr.P.C. We have also seen the post mortem report.

We are told that charge was framed on March 20, 2023.

On an overall consideration of the facts and circumstances of the case and the prima facie incriminating material against the present petitioner and also given the fact that nothing substantially has changed since his prayer for bail was rejected by a Coordinate Bench on December 1, 2023, we are not inclined to allow this application.

The prayer for bail is, accordingly, rejected, at this stage.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)