

24.12.2020
Sl. No.47
akd
[Rejected]

C. R. M. 10189 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No.40 of 2019 dated 30.01.2019 under Sections 498A/307/34/304B of the Indian Penal Code. (G.R. Case No.427 of 2019)

And

In Re: ***Kamal Hasan @ Kamal Hassan***

... .. Petitioner

Mr. Mrityunjoy Chatterjee .. Advocate
... .. for the petitioner

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor
Ms. Zareen N. Khan .. Advocate
Ms. Manisha Sharma .. Advocate
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 695 days.

Report is placed on record. Processes have been issued against the absconding accused persons.

We have considered the materials on record including the dying declaration implicating the petitioner in the alleged crime. In view of the gravity of the offence and as delay is due to abscondence of the accused persons and not attributable to the prosecution, we are not inclined in granting bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Steps be taken to ensure production of absconding accused persons and if it cannot be done inspite of exhaustion of processes to declare them as proclaimed offenders and proceed to the next stage of the proceeding in accordance with law.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

