

CRM No.1797 of 2021
(Via video conference)

22.04.21
(S.R.)
Sl.136
Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Belur Police Station Case No.01 of 2020 dated 01.01.2020 under Sections 302/120B/34 of the Indian Penal Code (G.R. Case No.01 of 2020);

And

In re: Binay Kumar Shaw @ Binoy Kumar Shaw @ Bijoy Kumar Shaw ... petitioner.

Ms. Minati Gomes ... for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta ...for the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for more than 13 months and the petitioner is similarly placed as other accused persons who have been granted bail. The learned advocate further submits that as there is no scope for trial being completed, the petitioner may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate for the State draws the attention of this Court to the earlier order passed by a coordinate bench in CRM No.10688 of 2020.

We have perused the materials on record and we find that the petitioner allegedly inflicted the vital blow with a cement slab on the head of the deceased. Having regard to the complicity of the present petitioner, we are not inclined to release the petitioner on bail at this stage. As such, prayer for bail is rejected. It has been submitted that five accused persons are still absconding and the learned court below has been pleased to issue proclamation and attachment against the said absconding accused. The next date according to the learned advocate is fixed on 4th May, 2021.

We direct the learned magistrate to come to a conclusion, if the absconding accused are not produced before the court, to split up the trial and commit the case to the Court of Sessions for further proceedings.

With the above observations, the application for bail being CRM No.1797 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)