

(Via Video Conference)

CRM 3652 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Leather Complex Police Station** Case No. **179 of 2017** dated **07.09.2017** under Sections **302/201** of the Indian Penal Code read with Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Mithun Bar

.... Petitioner.

Mr. Soumyajit Das,

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. A. Bhattacharyya,

... For the State.

The petitioner faces charge under Sections 302/201 of the Indian Penal Code read with Sections 25/27 of the Arms Act. The petitioner says that he has been in custody for about 3 years and 9 months. Only 1 out of 24 witnesses has been examined. There is no real likelihood of the trial being concluded at an early date. The Trial Court is lying vacant for more than a year.

We have considered the material in the case diary including statements of eye-witnesses recorded under Section 161 of the Code. We have seen the ballistic report as also the post mortem report.

In view of the serious nature and gravity of the charge brought against the petitioner and his prima facie

involvement in the commission of the alleged offence, we are not inclined to allow the petitioner's prayer for bail.

However, if the petitioner is aggrieved by the fact that there is no incumbent in the Court where the trial is pending, the petitioner will be at liberty to make appropriate prayer before the concerned District Judge.

Accordingly, CRM No. 3652 of 2021 is disposed of.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)