

09.12.2021.
100.
as
(Rejected)

C.R.M. 5737 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No.817 of 2020 dated 06.10.2020 under Sections 447/325/304/506/34 of the Indian penal Code and charge sheet submitted under Sections 447/325/302/506 of the Indian Penal Code..

In the matter of : Abdul Latif.

...Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Raj Kr. Gupta.

...for the Petitioner.

Mr. Nuguive Ahmed, Id. A.P.P.,
Ms. Sujata Das.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 428 days. It is submitted that the evidence of the wife of the deceased suffers from infirmities. He renews his prayer for bail. It is also contended co-accused is on bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the injured eye witness has implicated the petitioner in the instant case.

We have considered the materials on record. Injured eye witness has implicated the petitioner in his statement recorded under Section 164 of the Code of Criminal Procedure.

In view of the aforesaid fact disclosing prima facie involvement of the petitioner in the alleged crime and as his prayer for bail was rejected earlier, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, trial court is requested to exhaust all processes for ensuring the attendance of the absconding persons and in the event, their attendance cannot be ensured in spite of exhaustion of such process to declare them as proclaimed offender and commit the case to the Court of Sessions at the earliest.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)