

09.12.2021.
107.
as
(Rejected)

C.R.M. 5837 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur P.S. Case No.1355 of 2019 dated 23.06.2019 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Altaf Baidya @ Altab Baidya.

...Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Rupraj Banerjee.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta,
Mr. Bitasok Banerjee.

...for the State.

Heard the learned Advocates appearing for the petitioner and the State.

Petitioner is in custody for about 890 days. It is submitted that there is slow progress in the trial of the case. It is also submitted that co-accused persons are on bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits petitioner is the principal assailant and the delay is due to dilatory tactics adopted by the accused persons.

We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure prima facie disclose involvement of the petitioner as the principal assailant who murdered the deceased. He does not stand on the same footing with the co-accused persons who are on bail. Delay in trial cannot

be attributed to the prosecution alone. Accuseds have also contributed to the delay.

In view of the aforesaid facts, we are not inclined to grant bail to the petitioner.

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

However, we request the trial court to consider the issue of framing of charge at the earliest preferably within two months from the next date fixed before it for consideration of charge and in the event, charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)