

10.12.2021  
cm/ct 28

**C.R.M. 6432 of 2021**

sl no. 56      In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baduria P.S Case No. 331/2018 dated 06.08.2018 under Section 302 adding section 201/120B of the Indian Penal Code.

And

**Rejected**

In Re : Sukanta Biswas @ Sukanto Biswas  
..... petitioner

Mr. Kallol Kumar Basu  
Md. Jannat ul firdos

..... for the petitioner  
Mr. R.D. Nandi  
..... for the State

Petitioner is in custody for about three years. There is a slow progress in the matter before the trial court.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner had motive to commit the crime. Close proximity between the petitioner and the deceased is established through tower locations of the mobile phones as per report provided by the service provider.

We have considered the materials on record. The statements of witnesses as well as tower location reports furnished by service provide shows motive as well as close proximity between the petitioner and the deceased at the time of occurrence.

In view of the aforesaid facts and as his prayer was rejected earlier on merits, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

We, however, request the trial court to conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**