

CRM 7990 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Rabi Das

.....Petitioner

Mr. Soumya Basu Roy Chowdhuri

.....for the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Manoranjan Mahata

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Tangra P.S. Case No. 271 of 2020 dated 18.10.2020 under sections 302/307/324/34 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for about 430 days and there no possibility towards early conclusion of the trial. The co-accused persons similarly situated with the petitioner had already been enlarged on bail and upon completion of investigation, charge sheet has also been submitted. As such, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sur, learned Additional Public Prosecutor representing the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Sections 161 and 164 of the Code of Criminal Procedure and also the post mortem report.

Heard learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, overt act has been attributed to the petitioner and there are strong incriminating materials against him in the case diary. The extent of his complicity in the alleged offence is also not similar to that of the co-accused person, who had been enlarged on bail. Considering the seriousness of the offence and its ramifications, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is rejected at this stage.

The application being CRM 7990 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)