

06.07.2021
Ct. No. 30
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C.R.M. 12481 of 2019
(via video conference)

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : Raju Munda @ Raju Singh petitioner

Mr. Sandip Chakraborty
... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
Ms. Rita Dutta
.... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Burdwan Police Station Case No. 74 of 2019 dated 04.02.2019 under Sections 302/201/34 adding Sections 109/379/411 of the Indian Penal Code.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case. No overt act has been attributed to the petitioner in the statements of wife, father and mother of the deceased, as recorded under Section 161 of the Code of Criminal Procedure. Upon completion of investigation, charge-sheet has been submitted but there had been no progress in the trial. The petitioner is languishing in custody for about 2 years and 5 months and there is no

possibility towards early conclusion of the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and submits that the offending weapon as well as a motor bike were recovered on the basis of the statements of the petitioner and one Mr. Manas Chaki, who is also in custody and petitioner's prayer for bail was rejected twice earlier, *prima facie*, on the ground of recovery of the offending weapon from his custody.

He further submits that delay, if any, towards conclusion of trial is not totally attributable to the State. Furthermore the period of delay stands intervened by a period lost due to the pandemic. Trial is in progress and 31st August, 2021 is the next date fixed before the learned court below.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the seizure list and the statements of the witnesses, as recorded under Section 161 of the Code of Criminal Procedure and the statement of Mr. Nabakumar Ghosh, as recorded under Section 164 of the Code of Criminal Procedure.

Prima facie there are materials on record which clearly indicate the direct involvement of the petitioner in the alleged offence. Considering the gravity of the offence and the nature of allegations, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the present application being CRM 12481 of 2019 is dismissed.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)