

17.03.2021

CRM 11117 of 2020

**Court No.28
Item No.47
(rejected)**

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Gangarampur Police Station Case No. 160 of 2018, dated 28.06.2018 under Sections 302/120B/506 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In the matter of : **Gobinda Dutta**

...Petitioner

**Mr. Bitasok Banerjee,
Mr. Biswajit Mitra.**

...For the Petitioner

**Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Gangarampur Police Station Case No. 160 of 2018 under Sections 302/120B/506 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

The instant application has been taken out solely on the ground that despite submission of charge sheet no progress has been seen in the case and the petitioner is in custody for nearly two years eight months. The aforesaid case was filed on the death of a person due to gunshot and the injury suffered on the body inflicted by sharp weapon.

The ballistic report confirms the shot from the fire-arm so recovered and the charge sheet has already been filed though belatedly. The incriminating materials available in the case diary are prima facie against the petitioner, who has been shown as prime accused, and, therefore, we do not think that it is a fit case where the petitioner should be enlarged on bail.

The application for bail, being CRM 11117 of 2020, is thus dismissed.

However, we request the learned Trial Court to take utmost care to expedite the matter.

(Harish Tandon, J)

(Tirthankar Ghosh,J.)