

C.R.M. (DB) 344 of 2022

11.04.2022
Sl. 112
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kotshila** Police Station Case No. **79** of **2020** dated **28.10.2020** under Sections **341/302/34** of the Indian Penal Code.

And

In the matter of: **Biren Kumar & Ors.**

....petitioners.

Mr. Sourav Chatterjee
Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Ms. Sofia Nesar
Ms. Ankita Dey
Mr. Santanu Sett

...for the petitioners.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Mrs. Manasi Roy

...for the State.

Petitioner no. 1 prays for bail while the petitioner no. 2 renews the prayer for bail.

The petitioners are in custody in excess of 470 days.

Learned advocate appearing for the State submits that there is hardly any possibility of the trial commencing any time soon let alone concluding.

Learned advocate appearing for the State submits that the petitioners are named by the eyewitnesses in statements recorded under Sections 161 and 164 of the Criminal Procedure Code. One of the accused is absconding and, therefore, the trial could not commence. Due process was issued as against the absconding person.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary, we are unable to enlarge any of the petitioners on bail.

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

C.R.M. (DB) 344 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

