

CRM (DB) 973 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 25.02.2022 in connection with Kalyani P.S. Case No. 94 of 2014 dated 22.02.2014 under Sections 302/379/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

-And-

In the matter of: **Sanjay Sarkar.**

... ..Petitioner

Mr. Souvik Mitter, Advocate
Mr. Litan Maitra, Advocate
Ms. Rajnandini Das, Advocate
Mr. S. Murshid Alam, Advocate

... .. For the Petitioner

Mr. Arijit Ganguly, Advocate
Mr. Sanjib Kr. Dan, Advocate

... .. For the State

Petitioner prays for bail.

Learned Advocate appearing for the petitioner submits that although the order of the Sessions Court records that the prayer for bail was rejected earlier. It was wrongly recorded since the prayer for bail of the other co-accused was rejected.

Learned Advocate appearing for the petitioner refers to the evidence given by the prosecution witnesses. He submits that none of the prosecution witness identified the petitioner as the person assaulting the victim resulting in the murder. Consequently, the prayer for bail should be considered. Moreover, the petitioner is in custody in excess of four years.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that the trial is in progress.

This Court while considering the prayer for bail of an accused undergoing trial, need not enter into the arena of

evaluating the evidence and the complicity of the petitioner as appearing from the evidence so far led.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to grant bail to the petitioner.

CRM (DB) 973 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)