

01.08.2022
tkm/ct 28
sl no. 33

C.R.M. (DB) 2548 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kasba PS case no. 76 of 2017 dated 7.2.2017 under sections 148/149/302/506 IPC and 3/5 of Explosive Substances Act

And

In Re : Surojit Banerjee alias Murgi Bhola petitioner

Md. Sarwar Jahan
Mr. Maidul islam Kayal
Mr. B. Shaw

..... for the petitioner

Mr. S G Mukerjee, Id PP
Mr. R D Nandy
Ms. Sonali Das

..... for the State

Petitioner is in custody for more than five years. It is submitted on behalf of the petitioner that he is not the principal accused who murdered the deceased. Principal accused is on bail.

Learned lawyer for the State opposes the prayer for bail and submits petitioner was a member of an unlawful assembly whose common object was to murder the deceased. Petitioner had hurled bombs during the incident and thereafter to prevent the victim from being taken to hospital. Prayer has been made before this court to cancel the bail granted to the principal accused in CRM 3315 of 2019.

We have considered the materials on record. Statements of witnesses show petitioner was present at the place of occurrence and had hurled bombs. Prima facie, his involvement as a member of an unlawful assembly whose common object was to murder the deceased is established. Prayer for cancellation of bail of principal accused is under challenge before this court in CRM 3315 of 2019.

Delay in trial is due to systemic reasons and cannot be wholly attributed to the prosecution.

In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)