

11.08.2022
cm/ct 28

C.R.M. (DB) No. 2589 of 2022

sl. no. 12

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Udaynarayanpur P.S Case No. 24/2016** dated **02.03.2016** under Sections **302/34** of the Indian Penal Code.

Rejected

And

In Re : Bappa Pandit.

..... petitioner.

Mr. Ashraf Ali
Ms. Sabnam Laskar

..... for the petitioner.

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

..... for the State.

Mr. Uddipan Banerjee

.... For the De-facto complainant.

Petitioner is in custody for over 425 days. He submits co-accuseds are on bail.

Learned lawyer for the State opposes the prayer for bail. He submits report regarding the status of the proceeding.

Learned lawyer for the De-facto complainant submits accuseds have threatened the witnesses. He has prayed for transfer of the proceeding to a different sessions division.

We have considered the materials on record. Petitioner had absconded for six years. He is the principal accused who stabbed the victim. Delay in trial is due to factors beyond the control of the prosecution.

In view of the aforesaid incriminating materials and the principal role played by the petitioner in the alleged crime and his conduct, we are not inclined to grant bail to the petitioner at this stage.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)