

30.08.2022.
07.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2735 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga P.S. Case No.1011 of 2014 dated 22.12.2014 under Sections 302/34 of the Indian Penal Code.

In the matter of : Mahibulla Sardar @ Minut.

....Petitioner.

Mr. Sumanta Chakraborty.

...for the Petitioner.

Ms. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Report is placed on record.

Petitioner renews his prayer for bail. He submits there was a free fight between the parties and the petitioner had also sustained injuries. He further submits there is slow progress in the trial since the rejection of bail by this Court.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is the principal accused who assaulted the victim resulting in his death. Delay was due to abscondence of the co-accused.

We have considered the materials on record. Statements of witnesses show petitioner had assaulted the victim on the head resulting in his death.

In view of the principal role played by the petitioner and as his bail prayer was rejected in June, 2022 and delay in the matter is due to abscondence of co-accused, 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.)