

31.08.2022

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rejected

C.R.M.(DB) No. 2936 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hrapur Police Station Case No. 264 of 2020 dated 18.11.2020 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Manu Bhai Patel petitioner

Mr. Apurba Kumar Datta

... for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 595 days. He prays for bail. It is also submitted there is little progress in the matter as the court below is lying vacant.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Statements of witnesses and other circumstances show petitioner and co-accuseds had motive to commit the crime. Weapon of offence i.e. electrical wire which was used to strangle the victim was recovered on the leading statement of the petitioner. Delay is due to systemic reasons and cannot be attributed to the prosecution.

In view of incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)