

11.02.2022  
Item No.27  
Court No.32  
ss

**C.R.M. 8990 of 2021**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure Code.

And

In Re: Rubel Sk.

... Petitioner.

Ms. Sreyashee Biswas  
Ms. Benajir Hasna

... for the Petitioner.

Mr. Swapan Banerjee  
Ms. Purnima Ghosh

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Lalgola P.S. Case No. 337 of 2021 dated 19.05.2021 under Sections 302/34 of the Indian Penal Code, 1860.

Ms. Biswas, the learned Advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 297 days and there is no possibility towards conclusion of the trial in the near future. In the charge-sheet, there are two accused persons including the petitioner. The other accused has been granted bail by the learned Court below. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition more so when, investigation is complete.

Learned Advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses, the seizure list and the post-mortem report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

*Prima facie*, there are strong incriminating materials on record against the petitioner. The offending weapon was seized from the house of the petitioner. Considering the seriousness of the offence, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. Accordingly, his prayer for bail is refused at this stage.

The application CRM 8990 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**