

18.10.2022

Vacation Bench
SL No.124
S.B/s.biswas

C.R.M. (DB) 3681 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gangnapur** P.S. Case No. **65 of 2021** dated **03.05.2021** under Sections **341/302/325/326/307/506/34** of the Indian Penal Code.

And

In the matter of: **Rabi Biswas @ Rabindranath**

....Petitioner

Mr. Sayan De
Mr. Sayan Kanjilal

...for the Petitioner

Mr. Kallol Mondal
Mr. Pradyut Saha

...for the C.B.I.

Petitioner prays for bail.

Learned advocate for the petitioner submits that the petitioner is in custody in excess of one year two months.

Learned advocate appearing for the Central Bureau of Investigation (C.B.I.) refers to the materials in the case diary including the statement of the witness recorded under Section 164 of the Code of Criminal Procedure, the post-mortem report of the victim and the statement of doctor conducting post-mortem report of the victim. He submits that the petitioner is involved in the incident. He further refers to two orders of coordinate Bench where the prayer for bail of the co-accused was rejected.

The co-accuseds approached the Court for bail. One was rejected on May 11, 2022 and the other was rejected on September 20, 2022.

The order of rejection of the co-accused dated September 20, 2022 returns a finding that there are prima facie materials

connecting such co-accused with the crime. It notes that the matter was fixed for consideration of charge. It goes to say that release of the co-accused at that stage may influence and adversely affect the trial.

The petitioner before us stands on the same footing as that of the co-accused whose prayer for bail was rejected on September 20, 2022.

Charges are yet to be framed.

Petitioner before us stands implicated in the incident by virtue of the statement recorded under Section 164 of the Code of Criminal Procedure of the eyewitnesses.

In such circumstances, we are unable to grant bail to the petitioner.

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

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)