

20.10.2022
Item No.2.
G.S.Das/
Mithun
Ct.28.

CRM (DB)/3767/2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with S.T.No.01(10) 2021 [corresponding to S.C. No.175 of 2021] arising out of Bidhannagar East Police Station Case No.103/2020 dated 10.12.2020 under Sections 364/302/201/120B/34 of the Indian Penal Code [corresponding to G.R. No.872/2020].

And

In the matter of : **Vidur Mahensaria & Anr.**

...petitioners.

Mr. Souvik Mittar, Adv.

...for the petitioners.

Mr. Saryati Datta, Adv.

...for the de-facto complainant.

Mr. Arijit Ganguly, Adv.

Mr. Sanjib Kumar Das, Adv.

...for the State.

We have heard the learned Advocate for the petitioners and the learned Public Prosecutor-in-Charge.

We have also heard the learned Counsel for the de-facto complainant.

The petitioner No.2 is the mother of the deceased and the petitioner No.1 is half brother of the deceased. The deceased was a student. Bidhannagar East Police Station Case No.103/2020 dated 10th December, 2020 was registered on the allegation that the deceased was kidnapped and subsequently he was murdered. The investigation reveals direct involvement of the petitioners in committing the offence.

The learned Advocate for the petitioners prays for bail on the ground that the petitioners are in incarceration for about 1 year and 10 months. Moreover, as the trial of the case has already been started, the petitioners will face the trial and, at this stage custodial trial is not necessary.

Learned Public Prosecutor-in-Charge, on the other hand, submits that in CRM 7159 of 2021, this Court rejected the prayer for bail of a co-accused on 3rd January, 2022. The petitioners' role in the alleged offence has been prima facie established on submission of charge-sheet. Out of 45 witnesses, 13 witnesses have already been examined. The skeleton of the deceased was seized from the house of petitioner No.2.

We have duly considered the submissions made by the learned Counsel and the factual circumstances of the case.

Considering the seriousness and the gravity of the offences charged, we are of the view that this is not a fit case where the accused persons should be released on bail.

Prayer for bail is, thus, **rejected**.

Considering the fact that trial has already been started, the learned Trial Court is requested to expedite the trial of the case.

All parties to act on the server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Biswaroop Chowdhury, J.) (Bibek Chaudhuri, J.)