

31.10.2022.
41.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3770 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P.S. Case No. 477 of 2020 dated 11.09.2020 under Sections 342/302/201/120B/34 of the Indian Penal Code.

In the matter of : Rijul Sk @ Rijul Sekh & Ors.

... Petitioners.

Mr. Saikat Mondal,
Mr. Mounick Ghosh.

...for the Petitioners.

Mr. Neguieve Ahmed, Id. A.P.P.,
Ms. Debjani Sahu,
Ms. Manisha Sharma.

...for the State.

Petitioners are in custody for more than two years. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of eye witnesses recorded under Section 164 of the Code of Criminal Procedure *prima facie* implicate the petitioners in the murder. Delay in the matter due to the abscondence of co-accuseds and cannot be attributed to the prosecution.

Under such circumstances, we are not inclined to grant bail to the petitioners.

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

Court below is directed to exhaust all processes for apprehension of the absconding accuseds and in the event, their attendance cannot be secured, to declare them as

proclaimed offenders and commit the case to the Court of Sessions as expeditiously as possible.

(Partha Sarathi Sen,J.)

(Joymalya Bagchi, J.)