

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

27.06.2022
cm/ct 28

C.R.M. (DB) No. 202 of 2022

JC no. 7

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Sitalkuchi P.S Case No. 30 of 2020** dated **26.02.2020** under Section **447/323/325/307/354/506/34** of the Indian Penal Code and submitting Charge Sheet under Sections 447/302/323/325/354/506/34 of the Indian Penal Code.

Rejected

And

In Re : Pradip Barman & Anr.

..... petitioners

Mr. Sekhar Basu, Sr. Adv.
Mr. Diptangshu Basu

..... for the petitioners

Mr. Aditi Shankar Chakraborty, Id. A.P.P.
Mr. Kallol Acharjee

..... for the State

Petitioners renew their prayer for bail. It is contended that there is inordinate delay in the matter. They are in custody over two years. But, the case has not been committed to the court of sessions.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits prayer for bail of petitioner No.1 was rejected by a coordinate Bench of this court in May, 2022. Petitioner No.2 stands on the same footing.

We have considered the materials on record. There are materials implicating the petitioners as the principal assailants of the deceased. Prayer for bail of petitioner No.1 was rejected in May, 2021 and petitioner No.2 stands on the same footing with petitioner

No.1. Under such circumstances, we are not inclined to consider the bail prayer of petitioners on merits.

With regard to delay in commitment, we are informed co-accused Shyamal Barman (whose prayer for anticipatory bail was rejected in October, 2020 by this court) is still absconding. As a result, the matter could not be committed to the court of sessions. Hence, prosecution cannot be blamed for the delay in the case. However, bearing in mind the protracted period of detention suffered by the petitioners, we direct the court below exhorts all processes for ensuring attendance of absconding accused, if, his attendance cannot be ensured to declare him as proclaimed offender and commit the case to the court of sessions at the earliest.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)