

29.11.22
Sl.72
Ct. No.1
(SD/ss)

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

CRM (DB) 412 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kotwali** Police Station Case No.523 of 2021 dated 08.10.2021 under Section 302 of the Indian Penal Code;

And

In re: Manik Ray @ Manik Roy

... petitioner.

Mr. Kumar Shantanu

... for the petitioner.

Mr. Nilay Chakraborty
Mr. Saikat Chatterjee

...for the State.

Heard learned counsel for the petitioner who vehemently argued that the scooter in question has not been recovered. The present petitioner is not the principal accused; only his scooter was used. Charge sheet has been filed and investigation is complete. Therefore, he should be enlarged on bail.

Learned counsel for the petitioner further submitted that other co-accused are on bail to which the learned Public Prosecutor replied that they are on statutory bail.

Learned Public Prosecutor strongly objected the prayer for bail on the ground that the present petitioner was absconding for long. Secondly, the allegation is grave and serious and incriminating elements are there.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

Perused the case diary.

The allegation is serious no doubt. There are incriminating materials, statement of the principal accused leading to recovery of offending weapon and the present petitioner was absconding for long to evade investigation. The

conduct of the present petitioner is condemnable.

We have also noticed that last bail of the present petitioner was rejected on August 31, 2022. Since then there is no change in circumstances.

Therefore, considering the conspectus of facts, we are not inclined to allow the application for bail.

Accordingly, CRM (DB) 412 of 2022 is dismissed.

In the event, charge is not framed, Trial Court is directed to frame the charge within a period of one month from date.

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

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)