

17.01.2023
Sl. No.13
akd
[Rejected]

C. R. M. (DB) 77 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Santipur Police Station Case No.186 of 2022 dated 05.03.2022 under Sections 376/506/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/366/376D/506/34 of the Indian Penal Code.

And

In Re: ***Madhusudhan Ghosh***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 313 days. It is further submitted there is delay in committing the case.

Report is placed on record. It appears from the report delay is due to non-appearance of co-accuseds, who have been enlarged on bail. Hence, delay cannot be attributed to the prosecution.

We have considered the materials on record. There are materials implicating the petitioner in the crime. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Learned Magistrate is directed to ensure attendance of the accused persons and commit the case to the Court of Sessions. In the event, co-accuseds do not cooperate, it shall be open to the Magistrate to cancel their bail and commit the case.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

