

11.01.2023.
35.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 78 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malipanchghora P.S. Case No.35 of 2021 dated 27.02.2021 under Sections 302/506/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

In the matter of : Vikram Gupta.

... Petitioner.

Mr. Arindam Jana,
Mr. Soumajit Chatterjee.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Mr. S. S. Imam,
Mr. R. Mukherjee.

...for the de-facto complainant.

Petitioner is in custody for 642 days. Co-accuseds are on bail. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure show that the miscreant who came to the spot stated that they were acting at the behest of the petitioner. Thereafter they shot the victim who died. Petitioner does not stand on the same footing with the co-accuseds who are on

bail. Delay in the matter is due to systemic reasons i.e. vacancy in the trial court and cannot be attributed to the prosecution.

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

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)