

16.01.2023
Sl. No.35
akd
[Rejected]

C. R. M. (DB) 139 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 Amta Police Station Case No. 136 of 2020 dated 19.05.2020 under Sections 302/201/379/411/34 of the Indian Penal Code.

And

In Re: ***Samir Ghorui & Ors.***

... .. Petitioners

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar
Mr. Debapriya Majumder

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subrata Roy

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about three years. It is further submitted there is no progress in the matter. Co-accuseds have been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners do not stand on the same footing with co-accuseds who are on bail. Their bail prayer was rejected on merits earlier.

We have considered the materials on record. There are ample materials connecting the petitioners with the murder. They do not stand on the same footing with co-accuseds who have been enlarged on bail. Their bail prayer was rejected earlier on merits. With regard to delay we note date has been fixed for consideration of charge. Keeping in mind the gravity of the offence and prima facie involvement of the petitioners therein, we are not inclined to grant bail to the petitioners at this stage.

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

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so within one month thereof, and in the event charge is framed, to take the proceeding to its logical conclusion without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)