

16.01.2023.
41.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 148 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belghoria P.S. Case No.114 of 2019 dated 20.02.2019 under Sections 448/326/307/302/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Biswanath Maity @ Tutan.

... Petitioner.

Mr. Arun Naskar.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for about 1400 days. He submits there is delay in the trial. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail. He submits delay was due to non-co-operation of accused. Trial is presently in progress.

We have considered the materials on record. There are evidence implicating the petitioner in the murder. On the issue of delay, we note accused has contributed to the delay. Co-accused is on bail and had absconded and processes were required to be issued. Presently trial has commenced.

In view of the aforesaid circumstances and the gravity of offence, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to conclude the trial as expeditiously as possible preferably within one year from the

next date fixed for recording evidence without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)