

09.02.2023

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rejected

C.R.M.(DB) No. 546 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bandel GRPS Case No. 30 of 2019 dated 29.06.2019 under Sections 302/201/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Md. Akbar @ Doley petitioner

Mr. Syed Shahid Imam
Md. Khairul

... for the petitioner

Mr. Saswata Gopal Mukherjee, learned PP
Mr. Mudusudan Sur, learned APP
Mr. Ashok Das

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for about four years. It is also submitted that there is delay in trial. He prays for bail.

Learned Public Prosecutor opposes the prayer of bail and submits there are ample evidence implicating the petitioner in the murder. Some of accuseds are absconding. Possibility of abscondence of the petitioner cannot be ruled out.

We have considered the materials on record. There are evidence implicating the petitioner in the murder. Trial has substantially progressed. Delay is due to vacancy in the trial court. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Upon Judicial Officer joining the Court, the matter may be taken up at the earliest and concluded within three months from the date of resumption of recording of evidence.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)