

21.03.2023
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 731 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2023 in connection with Pingla Police Station Case No.129 of 2021 dated 02.05.2021 under Sections 341/302/379/34 of the Indian Penal Code. (G.R. Case No.1204 of 2021)

And

In Re: ***Subhas Jana***

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Shamsheer Ansari
Mr. Ayan Mondal

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than two years. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits delay is due to abscondence of co-accused.

We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure disclose involvement of the petitioner in the murder. Recovery was also made from him. Co-accuseds who have been enlarged on bail do not stand on the same footing with the petitioner. Delay in the matter is due to abscondence of co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

