

13.03.2023
Sl. No.153
akd
[Rejected]

C. R. M. (DB) 889 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2023 in connection with Bhagwanpur Police Station Case No.347 of 2021 dated 07.11.2021 under Sections 341/323/325/307/302/34 of the Indian Penal Code.

And

In Re: ***Abhijit Mandal & Anr.***

... .. Petitioners

Mr. Aniket Mitra
Mr. Sk. Sahjahan Ali

... .. for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that trial of the case is delayed as the proceeding had been stayed at the behest of the de-facto complainant.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses disclose involvement of the petitioners in the murder. Grievance of the de-facto complainant is the non-inclusion of others in the array of accuseds. Such grievance does not affect the merits of the prosecution case so far as it relates to the petitioners. It is open to the petitioners to seek variation and/or modification of the order of stay in the appropriate proceeding. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioners at this stage.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

