

23.03.2023

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rejected

C.R.M. (DB) No. 1060 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 372 of 2021 dated 17.09.2021 under Sections 376D/379/411 of the Indian Penal Code.

And

In Re : Asraful Miah @ Madan petitioner

Mr. Mazhar Hossain Chowdhury

Ms. Mobashshara Alam

... for the petitioner

Mr. Shiladitya Banerjee

... for the State

Learned Counsel for the petitioner submits he is in custody for more than 500 days. It is also submitted that there is no progress in the matter. Co-accuseds are on bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Case involves gang rape of the victim. Petitioner is one of the principal accuseds. He does not stand on the same footing with co-accuseds who have been enlarged on bail. Delay is due to abscondence of co-accuseds. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

