

31.03.2023.
34.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1102 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa P. S. Case No.309 of 2021 dated 22.08.2021 under Sections 302/34 of the Indian Penal Code.

In the matter of : Rahul Gharui.

... Petitioner.

Mr. Atis Kr. Biswas,
Ms. Jyoti Agarwal.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for over 500 days. He submits co-accused is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Petitioner and his mother i.e. co-accused assaulted the uncle of the petitioner. As a result, he died. Trial is in progress. Mother of the petitioner, being a lady, is on bail. Petitioner cannot claim parity with her.

Under such circumstances, 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 expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

