

30.03.2023

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rejected

C.R.M. (DB) No. 1233 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khardah Police Station Case No. 814 of 2021 dated 10.12.2021 under Sections 364/120B of the Indian Penal Code and charge-sheet submitted under Sections 364/120B of the Indian Penal Code and adding Sections 302/201 of the Indian Penal Code.

And

In Re : Hussan Sekh @ Pradip petitioner

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

Mr. Sarthak Mondal

Mr. Chandra Samadder

... for the petitioner

Mr. Neelive Ahmed, learned APP

Ms. Trina Mitra

... for the State

Learned Counsel for the petitioner submits there is no legally admissible evidence connecting him with the murder. There is delay in trial. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Statement of witness shows victim was last seen with the petitioner and co-accused. Weapon of offence was recovered on the statements of some of the co-accused viz. Bappa Kar and Susanta Nandi. Bholu Pramanik, another co-accused, made a judicial confession. In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is requested to consider the issue of framing of charge at the earliest without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)