

12.04.2023
Sl. No.33
akd
[Rejected]

C. R. M. (DB) 1376 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Diamond Harbour Police Station Case No.93 of 2022 dated 17.02.2022 under Sections 302/120B/34 of the Indian Penal Code. (G.R. Case No.480 of 2022)

And

In Re: ***Murshid Alam Molla @ Lalu***

... .. Petitioner

Mr. Ayan Bhattacharjee
Mr. Anirban Dutta
Mr. Aditya Roy
Mr. Najmul Alom Sarkar

... .. for the petitioner

Md. Jannat-ul-Firdous

... .. for the de-facto complainant

Ms. Anasuya Sinha
Ms. Subashree Patel

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 400 days. It is further submitted there is scanty material connecting him with the crime.

Learned Advocate for the State opposes the prayer for bail and submits petitioner and co-accused had resorted to dilatory tactics before the trial court. He does not stand on the same footing with co-accused who is on bail.

We have considered the materials on record. Statement of an eyewitness implicates the petitioner in the murder. He does not stand on the same footing with co-accused who was not identified by the eyewitnesses. Delay in the matter cannot be attributed to the prosecution. At the time of consideration of charge, prayer for adjournment was made on behalf of the accused. Keeping in mind the

aforesaid facts 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 directed to consider the issue of framing of charge at the earliest and in the event charge is framed, to proceed with the trial with utmost expedition.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)