

08.06.2023

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rejected

C.R.M.(DB) No. 2176 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sadaipur Police Station Case No. 85 of 2019 dated 23.07.2019 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Subhas Ghosh petitioner

Mr. Kunal Ganguly

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.... for the State

Learned Counsel for the petitioner submits complicity of the petitioner transpires from the statements of witnesses who were examined five months after the incident. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure implicate the petitioner in the murder. Delay in examining the said witnesses, if explained, would not improbabilise the prosecution case. Under such circumstances and as trial is in progress, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)