

03.07.2023

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rejected

C.R.M.(DB) No. 2382 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 242 of 2022 dated 22.04.2022 under Sections 341/326/307/302/34 of the Indian Penal Code read with Sections 3/ 4 of the Explosive Substances Act.

And

In Re : Moynuddin Sk. petitioner

Mr. Sabyasachi Chatterjee

Mr. Omor Faruk Gazi

Mr. Dipankar Das

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

Learned Counsel for the petitioner submits his client is a septuagenarian. There is no progress in the matter since rejection of bail by this Court. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits he is one of the principal accused who assaulted the victim. Co-accused are absconding. Hence, there is delay.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Delay is due to abscondence of co-accused and cannot be attributed to the prosecution. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)