

08.08.2023
tkm/ct 28
sl no. 51

C.R.M. (DB) 3107 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No. 429 of 2019 dated 20.11.2019 under sections 498A/307/302/304B/34 IPC and sections 3/4 of the DP Act

and

In Re : Somnath Kar petitioner

Mr. Bitasok Banerjee

..... for the petitioner

Mr. S G Mukherjee, Id PP

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Petitioner submits inspite of direction given by this court charge has not been framed. He renews his bail prayer.

Learned lawyer for the State opposes the bail prayer. He submits there is vacancy in the trial court.

We have considered the materials on record. Victim housewife was murdered. Her dying declaration implicates the petitioner. Keeping in mind the gravity of offence bail prayer of the petitioner was rejected earlier. Delay in the matter is due to vacancy in the trial court and cannot be attributed to the prosecution.

Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)