

10.10.2023

33
sdas
rejected

C.R.M. (DB) No. 3756 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 993 of 2020 dated 03.11.2020 under Sections 147/148/149/326/307/302/201 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

And

In Re : Babul Hossain @ Bablupetitioner

Mr. Arindam Jana
Mr. Soumajit Chatterjee
Mr. Partha Pratim Sinha

..... for the petitioner

Mr. Nequive Ahamed, learned APP
Ms. Trina Mitra

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for about three years. There is inordinate delay in trial. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the principal accused. He had shot at the victim. His bail prayer had been rejected by this Court as well as the Hon'ble Apex Court. Delay in the matter is due to non-appearance of the co-accused who are on bail.
3. We have considered the materials on record. Petitioner is the principal accused who fired at the victim. His bail prayer had been rejected earlier on merits by this Court as well as the Hon'ble Apex Court. Delay cannot be attributed to the prosecution but was engineered due to

non-appearance of the co-accused. Offence, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail.

4. Application for bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)