

12.10.2023.
31.
Ct.No.28
As
(Rejected)

C.R.M. (DB) 3976 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchasayar P. S. Case No.20 of 2020 dated 17.03.2020 under Sections 120B/302/324/34 of the Indian Penal Code.

In the matter of : **Jayanta Chakraborty @ Mona.**
... Petitioner.

Mr. Sayak Chakraborti,
Mr. Wrickbrata Roy.
...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Pramanik.
...for the State.

1. Petitioner submits he is in custody for more than two years. There is no tangible evidence to show either he had entered into conspiracy or was present at the place of occurrence. There is little possibility of trial concluding in the near future. He prays for bail.

2. Learned Public Prosecutor opposes the bail prayer. He contends bail prayer of co-accused viz., Buddhadeb Das @ Raja was rejected by this Court in October, 2022. There are ample evidence to connect the petitioner with the crime.

3. We have considered the materials on record. Petitioner has been charged with the offence of conspiracy to commit murder. Evidence of PW 1 shows petitioner was present with co-accused in a vehicle soon before the incident. It is strongly argued that the conspiracy was

hatched after the petitioner left the vehicle. However, CDRs show petitioner had telephonic conversations with the co-accused even after the occurrence. That apart, petitioner had rivalry with the victim owing to construction business. Trial is in progress.

4. Under such circumstances, we are unable to accept the contention of the petitioner that there is no evidence with regard to conspiracy. Other vital witnesses are yet to be examined.

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

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)