

03.01.2023.
15.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4636 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta P.S. Case No.598 of 2021 dated 01.08.2021 under Sections 302/201/120B/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

In the matter of : Sk. Akbar @ Chotu @ Choti.

... Petitioner

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Shiladitya Banerjee,
Mr. Diptangshu Basu,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

...for the State.

Mr. S. M. Obaidullah,
Mr. Roni Chowdhury.

...for the de-facto complainant.

Petitioner is in custody for 519 days. He submits there is no progress in the matter. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail. He submits delay is due to abscondence of co-accuseds. Absconding accused could not be arrested in spite of exhaustion of all processes.

We have considered the materials on record. Allegations against the petitioner are grave. Materials have been collected during investigation implicating him in the crime. Hence, we are not inclined to grant bail to him on merits.

With regard to the issue of delay, we note there is substantial contribution in the matter due to abscondence of co-accuseds. They could not be arrested in spite of exhaustion of processes.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

We request the trial court to take necessary steps for declaring the absconding accuseds as proclaimed offenders and for commitment of the case at the earliest.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)