

25.01.2024.
23.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 160 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.257 of 2021 dated 06.06.2021 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Akai Dafadar & Anr.**

... Petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Mr. Kalyan Kr. Bhattacharjee,
Ms. Rajnandini Das.

...for the Petitioners.

Mr. Arijit Ganguly,
Ms. Sima Biswas.

...for the State.

1. Petitioners contend they are in custody for over two years and charge has not yet been framed. They renew their bail prayer.

2. Learned Advocate for the State opposes the bail prayer. He submits report.

3. We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure and other materials implicate the petitioner in the murder. Offence, if proved, would attract mandatory life imprisonment. Case was committed to the Court of Sessions in April, 2023. Delay in the matter is due to abscondence of co-accused.

4. Hence, we are not inclined to grant bail to the petitioners.

5. Accordingly, the prayer for bail of petitioners is rejected.

6. We request the trial court to consider the issue of framing of charge at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)