

31.01.2024
Sl. No.22
akd
[Rejected]

C. R. M. (DB) 201 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.01.2024 in connection with Electronics Complex Police Station Case No.48 of 2021 dated 08.04.2021 under Sections 302/201 of the Indian Penal Code. (G.R. Case No.329 of 2021)

And

In Re: ***Pappu Yadav***

... .. Petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Rituparna Ghosh
Mr. Sourav Sardar

... .. for the petitioner

Mr. Anand Kesari

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted trial has not commenced. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits co-accused had absconded. As a result, there was delay in commencement of trial.
3. We have considered the materials on record. There are ample materials implicating the petitioner in the murder. His bail prayer was rejected earlier on merits. Delay in the matter cannot be attributed to the prosecution but was due to abscondence of co-accused. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge at the earliest.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)