

05.02.2024

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rejected

C.R.M.(DB) No. 240 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belur Police Station Case No. 01 of 2020 dated 01.01.2020 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Binoy Kumar Shaw @ Rohit @ Binay Kumar Shaw petitioner

Mr. Suman De
Mr. Joy Chakraborty
Mr. Sandip Dinda
Mr. Abhinaba Mukherjee
....for the petitioner

Mr. Prasun Kumar Dutta, learned APP
Ms. Puspita Saha
... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than four years. He prays for bail.

2. Learned Counsel for the State submits report with regard to status of the proceeding. Let the report be kept with record.

3. We have considered the materials on record including the report. Statements of the witnesses show petitioner is the principal accused. He had assaulted the victim with a cement slab. Injuries are noted in the post mortem report. He does not stand on the same footing with co-accused who are on bail. Delay in the matter is due to filing of revision petition at the behest of co-accused and does not lie at the doorstep of the prosecution. Offence, if proved, would attract

mandatory life imprisonment. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)