

30.01.2024
tkm/ct 28
sl no. 32

C.R.M. (DB) 255 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Sandeshkhali P.S. Case No. 212 of 2019 dated 2.11.2019 under sections 147/148/149/186/333/353/326/307/427/435 IPC read with sections 25(i)(a)/27(i)/35 of the Arms Act added section 302 IPC
And

In Re : Kedar @ Manoranjan Sardar & Ors. petitioners

Mr. Saumik Ganguly
Mr. B Mukherjee
Mr. G Dutta

..... for the petitioners

Mr. Debasish Roy, Id PP
Mr. R D Nandy

..... for the State

1. Petitioner nos. 1, 2 and 3 submits that they may be released on interim bail to attend annual death rituals of their father. That apart, they may be released on bail on merits.
2. Learned lawyer for the State vehemently opposes the bail prayer. He submits petitioners have not co-operated with the trial court and had resorted to various subterfuges to delay and dilate the proceeding.
3. We have considered the materials on record. There are ample evidence implicating the petitioners in the murder. Offences if proved would attract mandatory life imprisonment. Petitioners had refused to cross examine the prosecution witnesses and have belatedly approached this court in revision seeking recall of the witnesses for cross-examination. This demonstrates their dilatory tactics to protract proceedings.

4. In view of the aforesaid we are of the opinion in the event petitioners are released on bail they shall delay the trial and win over witnesses.
5. Hence, we are not inclined to grant bail to the petitioners at this stage.
6. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)