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rejected

C.R.M.(DB) No. 527 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belghoria Police Station Case No. 114 of 2019 dated 20.02.20219 under Sections 448/326/307/302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In Re : Biswanath Maity And  
.... petitioner

Mr. L. Vishal Kumar  
Mr. Soumosree Chatterjee  
Mr. Santanu Talukdar  
....for the petitioner

Mr. Parthapratim Das  
Ms. Trina Mitra  
... for the State

1. Learned Counsel for the petitioner submit he is in custody for more than five years. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State submits report. He submits delay was due to non-production of co-accused Tarak Hela who had been arrested in another case. There are other systematic reasons for delay.

3. We have considered the materials on record. Petitioner is the principal accused. Witness saw him fire at the victim resulting in his death. Offences, if proved, would attract mandatory life imprisonment. Delay was due to non-production of co-accused Tarak Hela who was arrested in another case. Presently, trial court is lying vacant. Under such

circumstances, 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.)**