

04.03.2024
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rejected

C.R.M.(DB) No. 592 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 385 of 2022 dated 15.05.2022 under Sections 302/201/120B of the Indian Penal Code.

And
In Re : Abdul Basir petitioner

Mr. Mazahar Hossain Chowdhury
....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Goutam Wilson
... for the State

Ms. Minoti Gomes
Md. Asak Ahammed
Ms. Dona Sanyal
... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 738 days. Co-accused are on bail. He prays for bail.

2. Learned Counsels for the State and de facto complainant submit petitioner is the principal accused. He had abducted the victim and thereafter beheaded him. He does not stand on the same footing with co-accused who are released on bail. Delay in the matter is due to non-cooperation on the part of the co-accused who have been released on bail.

3. We have considered the materials on record. Statements of witnesses show petitioner had abducted the victim. Thereafter victim was murdered. Petitioner does not stand on the same footing with co-accused who are on bail.

Delay in the matter is due to non-cooperation of co-accused and cannot be attributed to the prosecution. Offences, if proved, would attract mandatory life imprisonment. Accordingly, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)