

22.03.2024.
32.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 603 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Barabani P.S. Case No.76 of 2021 dated 01.05.2021 under Sections 363/365 of the Indian Penal Code and adding Sections 364/302/201/120B/34 of the Indian Penal Code.

In the matter of : **Akash Bauri @ Rintu Bauri.**
... Petitioner.

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh.
...for the Petitioner.

Mr. Rana Mukherjee, Id. A.P.P.,
Mr. Santanu Deb Roy.
...for the State

1. Petitioner is in custody for two years and ten months. He submits there is delay in trial. Accordingly, he prays for bail.
2. Today State has submitted a better report.
3. We have perused the materials on record and the report submitted by the State. We note delay in the matter cannot be exclusively attributed to the prosecution but is due to various systemic reasons like absence of Presiding Officer, cessation of work by local bar etc. Even now the Presiding Officer is absent. Allegation involves abduction and murder. Offences, if proved, would attract mandatory life imprisonment. Dead body of the victim was recovered at the instance of the petitioner and co-accused.

4. In view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. Presence of the Investigating Officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)