

22.03.2024.
37.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 817 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Santipur P.S. Case No.386 of 2020 dated 01.09.2020 under Sections 341/326/307/34 of the Indian Penal Code and adding Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Bharat Roy.**

... Petitioner.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Mr. Kalyan Kr. Bhattacharya,
Ms. Rajnandini Das.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.

...for the State

1. Petitioner is in custody for more than three years. He contends there is delay in the matter and charge has not been framed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report with regard to delay in trial.
3. We have considered the report. Petitioner is the principal accused who shot at the victim. Co-accused who are on bail were not attending the court proceeding regularly resulting in repeated adjournments. In fact, one of the co-accused did not appear and warrant had been issued in order to ensure his attendance. Delay in the matter is due to dilatory tactics of the defence and cannot be attributed to the

prosecution. Offences, if proved, would attract mandatory life imprisonment.

4. Under such circumstances, we are not inclined to grant bail to him.

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

6. Trial court is requested to consider the issue of framing of charge at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)