

29.04.2024.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1245 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Nakashipara P.S. Case No.257 of 2021 dated 06.06.2021 under Sections 302/120(B) and 34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Arnab Sarkar @ Guddu.**

... Petitioner.

Mr. Sumanta Das,
Ms. Atreyee Halder.

...for the Petitioner.

Mr. Avishek Sinha,
Mr. Debanshu Ghorai.

...for the State.

1. Petitioner is in custody for over two years. He submits there is delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits delay was due to abscondence of co-accused. Presently, they have been declared proclaimed offender and case has been committed to the court of sessions.

3. We have considered the materials on record. Statements of witnesses show petitioner had called the victim from his residence. Other witnesses saw the petitioner with other miscreants at the place of occurrence. They were also seen leaving the place of occurrence with firearms in their hands. Victim died due to gun shot and other injuries. Delay in the matter is due to abscondence of co-accused and cannot be attributed to the prosecution.

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

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

6. We request the trial court to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without unnecessary delay.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)