

20.06.2024
Item no. 22.
Court No.28.
AB
(Rejected)

CRM (DB) 1643 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bishnupur P. S. Case No.145 of 2023 dated 19.2.2023 under Sections 302/34/120B of the Indian Penal Code read with Section 25(i)(a)/27 of the Arms Act

And

In the matter of : Sukanta Baidya

.....Petitioner.

Mr. Ayan Bhattacharya
Mr. S. Choudhuryfor the Petitioner.

Mr. Joydeep Roy,
Mr. S. Basu Roy Choudhury.....for the State.

Mr. Anshuman Chakraborty,
Mr. S. S. Sahafor the Defacto complainant.

The petitioner is one of six accused persons. The charge is of murder. Section 120B of IPC has also been invoked.

The petitioner's prayer for bail was rejected by a Coordinate Bench in January, 2024. He says that since then, another accused person i.e. Pradip Gayen has been enlarged on bail by an order dated 10.4.2024 passed by a Coordinate Bench. He stands on a better footing. Hence, he should also be enlarged on bail. He has been in custody for more than a year. Trial has started.

Learned Advocate for the State and learned Advocate for the defacto complainant strongly oppose the prayer. It is pointed

out that there are three eyewitnesses, who have named this petitioner as having participated in the alleged incident. This petitioner was identified in TI parade, which was held after 18 days of the alleged incident. The other accused person i.e. Pradip Gayen who was granted bail was not identified in the TI parade.

In view of the prima facie incriminating material against the petitioner and the gravity of the offence and keeping in mind the fact that trial has already commenced, we are not inclined to allow this application for bail.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1643 of 2024 is dismissed.

However, since the petitioner is in custody for a considerable period of time, we request the learned Trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as expeditiously as possible.

The parties shall communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

