

8.
14-08-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1792 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Titagarh Police Station Case No.548 of 2020 dated 05-10-2020 under Sections 302/120B/34/212/201 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Sonu Kumar Roy @ Sonu Kumar Ray & Ors.
.... Petitioners.

Mr. Sabyasachi Chatterjee,
Mr. Omar Faruk Gazi

... For the Petitioners.

Mr. Saibal Bapuli, learned APP,
Mr. Bibaswan Bhattacharya,
Ms. Payel Ghosh

... For the State.

Mr. Mayukh Mukherjee,
Mr. Gunjan Kumar Singh,
Ms. Sweta Singh,
Ms. Priyanka Shukla,
Ms. Anita Das

... For defacto-complainant.

Dictated by Partha Sarathi Sen, J.

The instant bail application has been moved basically on the ground of long detention of the present accused petitioner and also on the ground of non-consideration of charges on several occasions.

In course of hearing, Mr. Bapuli, learned Additional Public Prosecutor, has handed over a copy of the order dated August 09, 2024 passed by the learned trial Court in Sessions Case No.46 of 2021. While opposing the prayer, learned Additional Public Prosecutor submits that delay in not considering the charge cannot be attributed to the prosecution, since the other co-accused persons are evading

the trial so that the present accused petitioners may get a favourable order from this Court.

We have considered the material placed before us. It appears that though the learned trial Court has fixed several dates for consideration of charge, but the same could not be considered on account of absence of the co-accused persons. The allegation against the present accused petitioners is, *prima facie*, found to be grave. We are, thus, not inclined to allow the prayer of the petitioners for bail, at this stage.

While rejecting the prayer for bail, we request the learned trial Court to make best possible endeavour to take appropriate steps for splitting up the trial as regards the absconding accused persons and thereafter, to proceed with consideration of charge for the accused, who are before the said court.

The application for bail being CRM (DB) 1792 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)