

05.11.2024.
63.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2839 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the BNSS, 2023 in connection with Titgarh P. S. Case No.548 of 2020 dated 05.10.2020 under Sections 302/120B/34/212/201 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : ***Sujit Kumar Rai @ Sujit Kumar Roy
Sujit Roy.***

... Petitioner.

Mr. Debasis Kar,
Mr. Hussain Mustafi,
Mr. Arka Tilak Bhadra.

...for the Petitioner.

Mr. Bitasok Banerjee,
Ms. Afreen Begum.

...for the State.

1. Petitioner is in custody for more than four years.

He prays for bail on the ground of delay in trial.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is a member of an organized crime racket who operate throughout the country. They had conjointly committed the murder. Offending weapon was identified by the petitioner and recovered. His finger prints also matched with that on the offending weapon.

3. We have considered the materials on record. Allegations involve murder by an organized crime gang. Most of the members of the gang have criminal antecedents in various States. On the showing of the petitioner, offending weapon was recovered. Bullet recovered from the spot matched the offending weapon.

These incriminating materials clearly distinguish the role of the petitioner from co-accused who are on bail. Delay in trial was due to absence of co-accused who were facing trial in cases across different States. Presently, charges have been framed and date has been fixed for recording evidence.

4. Given this situation, particularly gravity of the offence and the possibility of his abscondence which may impact the progress of trial, we are not inclined to grant bail to the petitioner.

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

6. Trial court is requested to fix schedules at short intervals and conclude the trial at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)