

30.01.2024.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4417 of 2023

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 19.02.2023 under Sections 302/34 of the Indian Penal Code read with Sections 25(i)(a)/27 of the Arms Act.

In the matter of : **Subhasish Mondal & Ors.**

... Petitioners.

Mr. Pinaki Bhattacharyya,

Mr. Amartya Mohan Bhattacharyya.

...for the Petitioners.

Mr. Rudradipta Nandy, Id. A.P.P.,

Mr. Saryati Dutta.

...for the State.

Mr. Angshuman Chakraborty,

Mr. S. S. Saha.

...for the de-facto complainant.

1. Petitioners are in custody for over 300 days. They contend de-facto complainant is an accused in a case of murder. They have been falsely implicated. Accordingly, they pray for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends co-accused who are on bail are not co-operating with the trial court. As a result, charge could not be framed.

3. Learned Advocate for the de-facto complainant opposes the bail prayer.

4. We have considered the materials on record. We have also perused the orders passed by the trial court during the pendency of the bail applications. On 19.12.2023 and 29.1.2024 charge could not be framed

due to non-co-operation by co-accused who are on bail. Offence, if proved, would attract mandatory life imprisonment.

5. In view of the aforesaid circumstances, we are of the opinion release on bail of the petitioners at this stage will further delay and protract the proceeding. Hence, we are not inclined to grant bail to the petitioners.

6. Accordingly, the prayer for bail of petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)