

16.01.2024.
38.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4784 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P.S. Case No.555 of 2022 dated 14.07.2022 under Sections 341/325/326/307/302/34 of the Indian Penal Code and charge sheet submitted under Sections 341/325/307/302/34 of the Indian Penal Code.

In the matter of : **Indrajit Mandal.**

... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Debanjan Bhattacharjee,
Ms. Swarnali Saha,
Mr. M. Islam.

...for the Petitioner.

Mr. Debasish Roy, ld. P.P.,
Mr. Rudradipta Nandy, ld. A.P.P.,
Mr. G. Banerjee.

...for the State.

1. Petitioner has renewed his bail prayer. He contends there is no progress in the matter since rejection of bail by this Court.

2. Learned Advocate for the State opposes the bail prayer. He contends co-accused are absconding which has caused the delay.

3. We have considered the materials on record. Petitioner is the principal accused. He dealt the fatal blow. He does not stand on the same footing with co-accused who have been granted bail. Delay is due to abscondence of co-accused and cannot be attributable to the prosecution.

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

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

6. We request the prosecution to exhaust all process to ensure the attendance of the absconding accused and if it is unable to do so to declare them as proclaimed offender and proceed the case against the others.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)