

10.01.2024
Sl. No.36
akd
[Rejected]

C. R. M. (DB) 4826 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.12.2023 in connection with Burwan Police Station Case No.227 of 2021 dated 13.08.2021 under Sections 341/326/307/302/120B/34 of the Indian Penal Code, Sections 3/4 of the Explosive Substances Act and Sections 25/27 of the Arms Act.

And

In Re: **Dayal Sk.**

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over a year. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with co-accused who had suffered detention for more than two years.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected in August, 2023. After suffering incarceration for more than two years, co-accused has been enlarged on bail. Petitioner is in custody for over a year and offences, if proved, would attract mandatory life imprisonment. Trial is in progress. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

