

C.R.M. (DB) 627 of 2025

In Re : An application for bail under Section 483 of BNSS, 2023 filed in connection with Saktigarh Police Station Case No. 86 of 2023 dated 01.04.2023 under Sections 302/307/326/120B/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

And

In Re : **Lalbabu Kumar** ... Petitioner.

Ms. Snigdha Saha ... for the petitioner.

Mr. Rudradipta Nandy

Mr. S. Bhattacharya

Mr. Asif Dewan ... for the State.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner is in custody for about 2 years. He was named by the co accused Avijit Mondal, who has been released on bail. The petitioner stands on a better footing than accused Avijit Mondal and he can at best be held responsible for providing the offending vehicle from Delhi. His further detention is not required and he may be granted bail. Learned counsel referred to the examination of P.W. 4 before the learned trial Court wherein the witness has failed to identify the petitioner in Court.

Opposing the prayer, learned counsel for the State submits that the petitioner and co accused Indrajit Giri committed theft of the two vehicles used for the murder of the victim and the crime was committed in connivance and conspiracy with the petitioner and other co accused. The

mobile tower location of the petitioner also suggests that involvement of the petitioner in the crime. It is also submitted that the delay in trial is attributable to the petitioner and the other co accused as cross examination of one of the investigating officers is continuing for 4 days.

I have considered the material on record. The petitioner appears to be similarly circumstanced with co accused Indrajit Giri whose bail prayer was turned down by this Court on 15th July, 2024. The only distinction between the petitioner and the co accused is that the petitioner was not identified by PW 4 in Court. However, P.W. 4 has subsequently explained his inability to identify the petitioner. His evidence suggests involvement of the petitioner in the alleged offence.

Considering the material available on record as well as role of the petitioner in the alleged offence, this Court is of the view that the petitioner may not be released on bail at this stage. Prayer for bail is rejected at this stage.

However, considering the period of detention of the petitioner, the learned trial Court is directed to take the proceeding to its logical conclusion as expeditiously as possible without granting any unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is thus disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)