

11.07.2022
tkm/ct 28
sl no. 58

C.R.M. (DB) 2239 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Duttapukur PS case no. 286/2021 dated 3.5.2021 under sections 302/34 IPC

And

In Re : Mujaidul Islam & Ors.

..... petitioners

Mr. Sekhar Basu, Sr. Adv

Mr. K K Mukherjee

Mr. D Basu

..... for the petitioner

Mr. Billwadal Bhattacharyya

Mr Kallol Mondal

Mr. Amajit De

..... for the CBI

Petitioner nos. 1 to 4 are in custody for more than 400 days and petitioner no. 5 is in custody for 243 days. It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to prior enmity. On 2.5.2021, family member of petitioner no. 3 was assaulted by the deceased and his associates. Out of grudge, they have been falsely implicated.

Learned lawyer for the CBI opposes the prayer for bail and submits de facto complainant Marya Bibi is an eye witness. She has vividly described the roles of the petitioners in the assault of her husband resulting in his death. Her version receives corroboration from independent witness, namely, Sk. Asraful Alam. Prayer for bail of a co-accused was rejected by a co-ordinate Bench of this court.

We have considered materials on record. Statement of de facto complainant Marya Bibi and independent witness namely Sk. Asraful Alam prima facie disclose roles of the petitioners in the

alleged crime. Post mortem report shows injuries on the body of the deceased corroborating their ocular version.

In view of the aforesaid incriminating materials and gravity of offence, we are not inclined to grant bail to the petitioners at this stage.

Accordingly, the prayer for bail is rejected.

It is contended petitioners are in detention for a protracted period of time. We note date has been fixed for consideration of charge on 29.7.2022.

Trial court is directed to consider the issue of framing of charge on that date and in the event it is unable to do so, positively within a month thereof and in the event charge is framed, to take the proceeding to its logical conclusion at the earliest without granting unnecessary adjournments to either of the parties.

Parties shall co-operate with the trial court in that regard.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)