

20.09.2022.
15.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2924 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S. Case No.65 of 2021 dated 03.05.2021 under Sections 341/325/326/307/302/506/34 of the Indian Penal Code.

In the matter of : Dhananjoy Mondal.

... Petitioner.

Mr. Samir Kr. Adhikari.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Mr. Dhiraj Trivedi, Id. Dy. S. G.,
Mr. Samrat Goswami,
Mr. Shailendra Kr. Mishra.

...for the CBI.

Petitioner is in custody for 500 days. He submits he has been falsely implicated in the instant case. He prays for bail.

Mr. Dhiraj Trivedi, learned Deputy Solicitor General opposes the prayer for bail. He submits charge could not be framed before the court below as the accuseds intend to pray for discharge. He also refers to statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure implicating the petitioner in the crime.

We have considered the materials on record. Petitioner was named in the FIR which was registered at the behest of State police. Subsequently, investigation was transferred pursuant to direction of this Court in WPA(P) 142 of 2021 with WPA(P) 143 of 2021 with WPA(P) 144 of 2021 with WPA(P) 145 of 2021 with WPA(P) 146 of 2021 with WPA(P) 147 of 2021 with

WPA(P) 148 of 2021 with WPA(P) 149 of 2021 and WPA(P) 167 of 2021. Statements of witnesses including the wife of the deceased were recorded under Sections 161/164 of the Code of Criminal Procedure. These statements implicate the petitioner as a member of the group who came with arms and attacked the victim which resulted in his death. There are prima facie materials connecting the petitioner with the crime. Matter is fixed for consideration of charge. Release of the petitioner at this stage may influence the witnesses and adversely affect the trial.

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

We request the trial court to consider the issue of framing of charge at the earliest preferably on the date fixed and if it is unable to do so due to circumstances beyond its control positively within a month thereof and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)