

16.09.2022.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3146 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwanpur P.S. Case No.347 of 2021 dated 07.11.2021 under Sections 341/323/325/307/302/34 of the Indian Penal Code.

In the matter of : Chinmoy Giri & Anr.

... Petitioners.

Mr. Suman De.

...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,

Ms. Sonali Das.

...for the State.

Petitioners are in custody over 380 days. He submits there is no direct evidence implicating them in the crime. De-facto complainant is unwilling to proceed with the trial. He prayed for further investigation which was turned down by the trial court. He unsuccessfully approached this Court in WPA 15610 of 2022. Hence, petitioner may be enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits there are ample evidence to implicate the petitioners in the crime. Trial has already commenced.

We have considered the materials on record. Materials collected during investigation show victim had been murdered by the petitioners and others who belonged to a rival political party. Victim's wife and other family members were unhappy with the manner in which the investigation was conducted. They approached the trial court for further investigation. They also approached this Court praying for further investigation by CBI in WP 15610 of 2022. A learned Single Judge of this Court

noted that trial has commenced and gave liberty to the wife of the deceased to approach the Committee constituted by the Full Bench of this Court in *Susmita Saha Dutta and others Vs. Union of India* being WPA (P) 142 of 2021. We are informed date for examination of the witnesses has been fixed. There are materials connecting the petitioners with the crime. There is serious apprehension that release of the petitioners on bail may adversely affect the confidence of the prosecution witnesses.

In view of the aforesaid facts and gravity of the offence, we are of the opinion this is not a fit case to grant bail to the petitioners.

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

Trial court is requested to expedite the trial and conclude the same at an early date without granting any unnecessary adjournment to either of the parties. Prosecution is directed to extend necessary protection to the witnesses, if they feel threatened in any manner whatsoever.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)