

14.11.2022

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rejected

C.R.M.(DB) No. 3821 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 150 of 2021 dated 01.05.2021 under Sections 302/34 of the Indian Penal Code read with Section 3(2)(5) of the Schedule Castes and Schedule Tribes (Prevention of Atrocity) Act, 1989.

And

In Re : Biplab Sarkar & Ors. petitioners

Mr. Dipak Kumar Sengupta

Mr. Mrityunjoy Chatterjee

Mr. Suman Saha

Mr. Debapriya Majumder

... for the petitioners

Mr. Kallol Mondal

Mr. Anirban Mitra

... for the C.B.I.

Learned Counsel appearing for the petitioners submits they are in custody for more than six months. It is also submitted that their names did not appear in the injury report before the medical officer. After two months injured witness i.e. Tulsi Das disclosed the involvement of the petitioners in the case. They were falsely implicated in the instant case due to political rivalry.

Learned Counsel appearing for the Central Bureau of Investigation opposes the prayer for bail and submits injured eye-witness i.e. Tulsi Das and another implicated the petitioners in the assault. Post mortem report discloses a number of bodily

injuries resulting in death of the victim. Charge has already been framed and witness examination is about to begin.

We have considered the materials on record including the injury reports. Though Tulsi Das did not specifically name the petitioners, he referred to the assailants as “local goons”. Name of one of the petitioners i.e. petitioner no. 3 is noted in the injury report of Manabesh Das, the deceased. Statements of eye-witnesses recorded under Section 164 of the Code of Criminal Procedure implicate the petitioners in the assault. Post mortem report also notes a number of injuries on the deceased. In view of the aforesaid incriminating materials, we are unable to persuade ourselves that implication of the petitioners in the crime is unfounded. Charge has already been framed and examination of prosecution witnesses is about to begin.

Under such circumstances, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is, thus, rejected.

We, however, request the trial court to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)