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(AD)

01.03.2023

Court No.29

(Rejected)

C.R.M. (DB) 810 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bagnan** P.S. Case No.**32 of 2018** dated **01.02.2018** under Sections **302/201** of Indian Penal Code, subsequently charge sheeted under Sections **302/201/120B** of I.P.C, corresponding to S.T. Case No.31 of 2021, (New S.T. No.32 of 2021) and S.C. No.31 of 2021 corresponding to S.C. No.32/2021, S.T. No.202/2021 corresponding to S.T. No.03(06)2022.

And

In the matter of: Madhusudhan Ghosh @ Madhu & Anr.

....petitioners.

Mr. Jayanta Samanta
Mr. Maidul Islam Kayal
Mr. Sumit Naskar

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP
Mr. Subrato Roy

... for the State.

Petitioners renew their prayer for grant of bail.

It is contended on behalf of the petitioners that the de facto complainant filed a revisional application and although there is no stay of proceedings, on the strength of the filing of such revisional application, the jurisdictional Court is adjourning the trial.

The Court is informed that the jurisdictional Court framed the charges.

No doubt, when there is no stay of the proceedings, the trial court will continue with the trial until there is an order of stay passed by an appropriate court.

In such circumstances, the trial court is requested to proceed with the trial unless there is an order of stay granted by an appropriate Court.

There is hardly any change in circumstances since the earlier two orders of rejections of the prayer for bail made

individually by the two petitioners.

In such circumstances, we are unable to grant bail to the petitioners.

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

C.R.M. (DB) 810 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)