

05.06.2023

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rejected

C.R.M.(DB) No. 2063 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taldangra Police Station Case No. 37 of 2021 dated 18.05.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Tumpa Majhi & Anr. .... petitioners

Mr. Arkoprobho Ray

....for the petitioners

Mr. Saswata Gopal Mukherji, learned PP

Mr. Partha Pratim Das

Mrs. Manasi Roy

.... for the State

Learned Counsel for the petitioners submits they are in custody for about two years. It is also submitted there is delay in trial. They renew their bail prayer.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Victim made dying declaration which was videographed by PW 2. Said incriminating evidence has been placed on record. Other vital witnesses are yet to be examined. Allegations against the petitioners are grave and would attract life imprisonment if proved.

Under such circumstances and as vital witnesses are yet to be examined, we are not inclined to grant bail to the petitioners.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

Parties shall communicate this order to the trial court for necessary compliance.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**