

13.07.2023
Sl. No.10
akd
[Rejected]

C. R. M. (DB) 2361 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.06.2023 in connection with Titagarh Police Station Case No.548 of 2020 dated 05.10.2020 under Sections 302/120B/34/212/201 of the Indian Penal Code and Sections 25/27 of the Arms Act. (G.R. Case No.5773 of 2020)

And

In Re: ***Subodh Ray @ Subodh Roy***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Kusal Kumar Mukherjee
Mr. Prajnadeepta Roy

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 900 days. It is further submitted there is no legally admissible evidence connecting him with the murder. There is inordinate delay in trial. Charge has not yet been framed. Accordingly, he renews his prayer for bail.

Report with regard to complicity of the petitioner is placed on record.

Relying on the report learned Public Prosecutor submits petitioner had harboured the contract killers. Statements of witnesses show that the contract killers were seen with the petitioner before and on the date of the incident. Other witnesses have also stated that the conduct of the petitioner and co-accused gave an impression that they had conspired to murder Manish Shukla.

We have considered the materials on record. Statements of witnesses show that the petitioner had close nexus with the contract

killers and their conduct before and after the incident gives an impression of his role in the crime. Arms and ammunitions were also seized from his possession. Accordingly, he does not stand on the same footing with co-accused whose complicity in the crime is solely based on Call Detailed Records (CDRs.). Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to consider the issue of framing of charge at the earliest preferably within three months from the next date fixed before the said court without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)