

03.07.2023
Sl. No.98
akd
[Rejected]

C. R. M. (DB) 2423 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.06.2023 in connection with Barabani Police Station Case No.93 of 2022 dated 10.05.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Rajen Tudu***

... .. Petitioner

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly
Mr. Tirupati Mukherjee

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Statements of eyewitnesses recorded under Section 164 of the Code of Criminal Procedure show petitioner and others were seen assaulting the victim. Petitioner had also motive to commit the crime. Under such circumstances and in view of gravity of the offence, 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 on the next date fixed and if it is unable to do so, positively within a period of two months thereto 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.)

