

03.08.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3067 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.880 of 2021 dated 23.10.2021 under Section 302 of the Indian Penal Code and charge sheet submitted under Sections 302/34 of the Indian Penal Code.

In the matter of : Tarak Biswas.

... Petitioner.

Mr. Bikash Ranjan Bhattacharyya, Id. Sr. Adv.,
Mr. R. D. Bhowmick.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner submits he is not the assailant who stabbed the victim. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the co-accused were rejected earlier in March and July, 2023 respectively.

We have considered the materials on record. Statements of witnesses recorded under Section 164 of the Code of Criminal Procedure show petitioner and co-accused held the victim and one of them stabbed him, resulting in his death. These materials *prima facie* establish sharing of common intention between petitioner and co-accused to commit murder. Charge against the petitioner is framed under Section 302 read with Section 34 of the Indian Penal Code. Bail prayer of the petitioner were turned down in March and July, 2023.

Under such circumstances petitioner is unable to make out a case to consider his bail application at this stage and the same is rejected.

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

Trial court is requested to consider the issue of framing of charge on the next date fixed on 8th September, 2023 and if it is unable to do so positively within two months thereafter and in the event charge is framed to take the proceeding to its logical conclusion without granting any unnecessary adjournment to either of the parties.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)