

15.09.2023
Sl. No.15
akd
[Rejected]

C. R. M. (DB) 3421 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Bhatpara Police Station Case No.282 of 2021 dated 06.06.2021 under Sections 302/326/307/120B/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.4540 of 2021)

And

In Re: ***Tuntun Chowdhury***

... .. Petitioner

Mr. Supratick Syamal
Mr. S. M. Ismail

... .. for the petitioner

Mr. Amajit De

... .. for the CBI

1. It is submitted on behalf of the petitioner that he is in custody for about one year and five months. It is further submitted he was on bail earlier. Subsequently, his bail came to be cancelled. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Report is placed on record on behalf of the CBI.
3. We have considered the materials on record including the report. Statements of witnesses show the petitioner was present at the spot and hurled bombs. Due to bomb blast head of the victim was severed from his body. While the investigation was conducted by State police, petitioner had been released on bail. Subsequently, investigation came to be transferred to CBI. On the prayer of the CBI and noticing the petitioner had violated the conditions of bail, his bail came to be cancelled. Presently petitioner is in custody and date has been fixed for consideration of charge. Keeping in mind gravity of the offence and prima facie involvement of the petitioner therein and

as date has been fixed for consideration of charge, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge at the earliest preferably within two months from the next date fixed for consideration of charge without granting unnecessary adjournment to either of the parties. In the event charge is framed, trial court shall ensure the proceeding is conducted with expedition and concluded at an early date.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)