

15.09.2023.
39.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3607 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ausgram P.S. Case No.138 of 2020 dated 10.06.2020 under Sections 341/326/307/302/34 of the Indian Penal Code.

In the matter of : **Jane Alam Sk. @ Janai & Ors.**
... Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Ms. Trisha Rakshit,
Ms. Aishwariya Datta.

...for the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Mr. Sabir Adhmed,
Mr. Golam Karim Chowdhury,
Mr. Tasmin Ahmed,
Mr. Dhiman Banerjee,
Ms. Suman Biswas.

...for the de-facto complainant.

1. Petitioners are in custody for more than three years. They submit there are case and counter case. Pursuant to direction given by a learned Single Judge of this Court, the cases have been committed and are to be tried by the same Court. There is no progress in the matter. Hence, they pray for bail.
2. Learned Advocate for the de-facto complainant opposes the bail prayer.
3. Learned Advocate for the State opposes the bail prayer. He submits accused had absconded for a considerable period of time. Date has been fixed for consideration of charge.

4. We have considered the materials on record. Statements of witnesses implicate the petitioners in the murder. Date has been fixed for consideration of charge.

5. Under such circumstances, we are not inclined to grant bail to the petitioners.

6. Accordingly, the prayer for bail of the petitioners is rejected.

7. We direct the trial court to consider the issue of framing of charge in both the cases on the next date fixed and if it is unable to do so, positively within one month thereof. Thereafter, the cases shall be tried one after another and concluded at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)