

19.12.2023
tkm/ct 28
sl no. 84

C.R.M. (DB) 4456 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagaddal PS case no. 337 of 2021 dated 2.5.2021 under sections 302/34 IPC and sections 25/27 of the Arms Act

And

In Re : Rahul Paswan

...petitioner

Md. Sabir Ahmed
Ms. Suman Biswas
Mr. D Banerjee

..... for the petitioner

Mr. Dhiraj Trivedi, Id DSGI
Mr. Amajit De

..... for the CBI

1. Petitioner is in custody for 899 days. He contends that co-accused have been granted bail by the trial judge. He prays for bail.

2. Learned Deputy Solicitor General opposes the bail prayer. He contends statements of witnesses recorded under section 164 Cr.P.C implicate the petitioner in the crime. A vital witness has been shot dead.

3. We have considered the materials on record. Initially FIR was registered by the local police. Name of the petitioner was absent in the FIR. Thereafter investigation was taken over by CBI pursuant to direction given by this court. During investigation by CBI, statements of eye-witness were recorded under section 164 Cr.P.C. Their statements show petitioner was a member of the group who had assaulted the victim resulting in his death. Recently, one of the said witnesses has been shot dead and a criminal case has been registered.

4. In view of the materials on record, gravity of offence and the threat to witnesses one of whom has been murdered, we do not consider it prudent to enlarge the petitioner on bail.

5. Accordingly, prayer for bail is rejected.

6. We direct the trial court expedite the trial and examine the vital eye witnesses at the earliest. In the event accused who are on bail do not cooperate with the trial court, it shall be open to the trial court to cancel their bail in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)