

12.06.2023

Ct.No. 1

Item No. 10

Sb / Saswata

Rejected

***CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI***

C.R.M. (DB) 157 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Sitalkuchi PS case no. 104/2021 dated 05.05.2021 under Sections 120B/143/147/148/149/302/34 of the Indian Penal Code, 1860

And

In the matter of : **Naba Kumar Barman**

...petitioner

Mr. Swarup Das

...For the petitioner

Mr. Jagriti Mishra

...For the de facto complainant

Mr. Sudipto Kumar Mazumdar, Ld. DSGI

Mr. Ajoy Kumar Singhanian

Mr. Sudip Kumar Paul

....For the State

1. Affidavit of service filed in Court today is kept with the record.
2. The instant application for bail has been filed by the petitioner, who is in custody for 349 days. It is submitted that the petitioner is innocent and the co-accused persons, similarly placed have been granted bail.
3. We have heard the learned Counsels for the *de facto* complainant and the Deputy Solicitor General of India (DSGI), representing the CBI. Learned Counsel for the *de facto* complainant undertakes to file vakalatnama in course of this day.

4. Learned DSGI has produced before us, relevant documents to show the criminal antecedents of the petitioner and also submitted that he perpetrated the crime along with Tahidul Miya. Said Tahidul Miya is in custody.
5. Considering the memo of charges, seizure list, statements of independent witnesses and complicity of the petitioner in commission of the alleged offence, we are of the opinion that this is not fit case where the petitioner shall be enlarged on bail at this stage.
6. The application for bail is accordingly **rejected**.
7. It is submitted that the warrant of arrest has been issued against the absconding co-accused persons. We have been further informed that the Learned Trial Judge has fixed 27th July 2023 for framing of charge.
8. We direct the CBI to take steps for proclamation and attachment, in the event warrant of arrest could not be executed.
9. The Learned Trial Judge is also requested to frame charge on the date fixed as charge sheet has already been and proceed with trial as expeditiously as possible.
10. CRM (DB) 157 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)

