

06.05.2024
24
sdas
rejected

C.R.M.(DB) No. 1340 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 32 of 2018 dated 01.02.2018²³ under Sections 302/201/120B of the Indian Penal Code.

And

In Re : 1. Madhusudan Ghosh @ Madhu
2. Jagannath Denre @ Jagannath Denre @ Tumpa
..... petitioners

Mr. Sourav Chatterjee
Mr. Achintya Tiwari
....for the petitioners

Mr. Rudradipta Nandy, learned APP
Mr. Saibal Krishna Dasgupta
... for the State

1. Learned Counsel for the petitioners submits co-accused Srikanta Sarkar has been enlarged on bail. Petitioners are in custody for over three years. They pray for bail.

2. Learned Counsel for the State opposes the bail and submits Srikanta Sarkar does not stand on the same footing with the petitioners against whom there is direct evidence of murder. Trial is in progress.

3. We have considered the evidence on record. Evidence shows petitioners were present at the spot and committed the murder. Complicity of co-accused Srikanta Sarkar was based on an audio-visual clipping which was uploaded on a streaming platform. Individuals to whom the alleged extra-judicial confession was made had not been examined. Noting this circumstance, Srikanta Sarkar was

enlarged on bail. Petitioners stand on a different footing from him. Evidence adduced by prosecution shows they are the principal offenders who committed the murder. Trial is in progress. Offences, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioners.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial by fixing two to three days schedule at short intervals and conclude the same at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)