

12.04.2024
Sl. No.28
akd
[Rejected]

C. R. M. (DB) 4349 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.10.2023 in connection with Bhagwanpur Police Station Case No.347 of 2021 dated 07.11.2021 under Sections 341/323/325/307/302/34 of the Indian Penal Code.

And

In Re: ***Chinmoy Giri & Anr.***

... .. Petitioners

Mr. Sudipto Moitra .. Sr. Advocate
Mr. Kallol Kumar Maity

... .. for the petitioners

Mr. Shibaji Kumar Das

... .. for the de-facto complainant

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for over two years. It is further submitted petitioners have been falsely implicated. There is no possibility of trial concluding in the near future. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim had made a dying declaration which was recorded in a mobile phone. Transcript of the said dying declaration is placed on record.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have perused the transcript of the dying declaration. Petitioners are named in the said dying declaration. In view of the aforesaid clinching evidence and as the offences, if proved, would attract mandatory life imprisonment, we are not inclined to grant bail to the petitioners at this stage.
5. The application for bail is thus rejected.

6. Trial court is directed to expedite the trial and conclude the same at an early date.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)