

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

24.01.2025.
9/tkm

C.R.M. (DB) 23 of 2025

In Re:- An application for bail under Section 483 of BNSS 2023 in connection with Dinhata PS case no.220 of 2021 dated 4.5.2021 under section 302 IPC

and

In the matter of : Tabir Miya @ Totib & Ors. ... petitioners

Ms. Mousumi Das

...for the Petitioners

Mr. Sudipto Kr. Mazumder, Id DSGI

Mr. A K Singhanian

Mr. Saptak Sarkar

...for the CBI.

1. Petitioners are in custody for more than three years. It is contended they have been falsely implicated due to political affiliation. It is also contended there is no possibility of the trial concluding in the near future. Co-accused Jamanath Ali has been enlarged on bail. They pray for bail.
2. Learned Deputy Solicitor General opposes the prayer. He contends eye-witnesses have implicated the petitioners as members of the unlawful assembly when victim was murdered. Bail prayers of the petitioners have been rejected earlier by this court. Petitioners do not stand on the same footing with co-accused Jamanath Ali who has been enlarged on bail. He assures this court that trial shall be concluded shortly.
3. We have considered the materials on record. Evidence of eye witnesses shows petitioners were members of unlawful assembly who assaulted and murdered the victim. Their bail prayers have been rejected earlier by co-ordinate

Bench on merits. Noting Jamanath Ali is a septuagenarian suffering from serious ailments, trial judge enlarged him on bail on humanitarian grounds. As bail had been granted on humanitarian grounds peculiar to Jamanath Ali, petitioners cannot claim parity. Offences, even if proved, would attract mandatory life imprisonment. It is also assured by CBI that trial shall be concluded shortly.

4. Under such circumstances we are not inclined to grant bail to the petitioners at this stage.
5. Accordingly, prayer for bail is rejected.
6. Trial court is directed to expedite the trial and conclude the same at an early date.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)