

09.07.2021
Sl. No. 11
Court No.5
SG/s.biswas

CRM 2055 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.28 of 2018 dated February 3, 2018 under Section 302 of the Indian Penal Code.

In re: **Dilip Sarkar**

... Petitioner

Mr. Sayan De,
Mr. Kaustav Shome,
Mr. Sayan Kanjilal,

... for the petitioner

Mr. Neguive Ahmed,
Mr. Anwar Hossain,
Ms. Amita Gour

... for the State

The charge is under Section 302 of the Indian Penal Code.

There is an eyewitness whose statement is recorded under Section 164 of the Criminal Procedure Code.

We have perused the memo of evidence, produced in Court. Let a copy of the same be kept with the records. The weapon was recovered from the house of the petitioner.

We are told that the eyewitness and the victim were sitting together when the petitioner joined them. They were consuming liquor together. There was a fight between the petitioner and the victim. The petitioner went to his house, brought the weapon and assaulted the victim which led to his death.

Learned counsel for the petitioner submitted that there is undue delay in commencement of the witness action. Learned counsel for the State apprises us that witness action is due to start from July 15, 2021.

Having regard to the gravity of the charge and the nature of the incident and also the material on record, we are not, at this stage, inclined to grant bail to the petitioner.

However, we request the trial Court to complete the trial as soon as possible and preferably within a period of 9 months from date.

CRM 2055 of 2021 is, accordingly, disposed of.

[Arijit Banerjee, J.]

[Arindam Mukherjee, J.]