

20.09.2022

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rejected

C.R.M.(DB) No. 3138 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narpara Police Station Case No. 163 of 2016 dated 11.12.2016 under Sections 498A/494/302/34 of the Indian Penal Code.

And

In Re : Kalu @ Istehar Mondal petitioner

Ms. Debjani Roy Chowdhury
... for the petitioner

Mr. S. G. Mukherji, learned P.P.
Mr. Partha Pratim Das
Mrs. Manasi Roy
... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than five years. It is also submitted that there is inordinate delay in the trial and he prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits trial is in progress. Some of the witnesses have been examined. There is a dying declaration implicating the petitioner in the murder.

We have considered materials on record. Petitioner is the husband of the victim lady. She made dying declaration before doctor implicating the petitioner in her murder. Trial has commenced and some of the prosecution witnesses have already been examined. Date has been fixed for recording evidence. In view of the gravity of the offence and as date for recording further evidence has been fixed barely four days later we choose

not to grant bail to the petitioner which may delay the prosecution. Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is requested to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence. Unnecessary adjournment for examination of official witnesses including doctor shall not be given. Trial court shall resort to examination of these witnesses through video conferencing , if necessary.

Copy of the order be sent to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)