

08.07.2022.

Item No. 17

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 221 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 05.07.2022 in connection with Alipurduar Junction G.R. Police Station Case No. 21 of 2021 dated 23.12.2021 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of: **Sri Tapan Dey @ Madhai.** ...petitioner

Mr. Kalipada Das. ...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee.For the State

The application for bail is filed primarily on the ground that in the statement of the principal witness under Section 164 of the Code of Criminal Procedure the petitioner has not been named.

It is further submitted that the petitioner was not named in the First Information Report either and has been included in the charge-sheet based on preliminary evidence.

Counsel for the State submits that the murder was rather gruesome. He further submits that the victim was a Railway employee, who manned a Railway Crossing Gate. He also submits that on the victim's refusal to open the gate of Railways to permit the accused persons, who

were on motor cycle to cross over, the said persons came back later on and murdered him.

It is submitted by the Counsel for the State that trial has already commenced and PW-1 has examined and dates of examination of other witnesses are fixed from 13th July, 2022 to 18th July, 2022.

Having heard the Counsels for the respective parties and considered the entire case diary carefully, this Court is the view that the application for bail cannot be entertained at this stage.

Since the dates have already been fixed by the Trial Court, it is expected that there is no deferment either by the prosecution or by the accused person and trial may be completed as expeditiously as possible.

C.R.M. (DB) No. 221 of 2022 is, thus, dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)