

08.09.2022

Item No.16

Ct.No.1

K.B.

Rejected

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

CRM(DB) 285 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure arising out of New Maynaguri GRPS Police Station Case No. 07 of 2015, Dated 13.04.2015, Under Sections 302/201/34 of Indian Penal Code now pending in the Court of Learned Additional Sessions Judge (2nd) Fast Track Court at Jalpaiguri, vide Sessions Case No. 407 of 2015.

And

In the matter of: **Jyotish Roy and Anr.**

....Petitioners.

Ms. Rupa Basu

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Aniruddha Biswas

.....for the State.

This is an application for grant of bail arising out of New Maynaguri GRPS Police arising out of New Maynaguri GRPS Police Station Case No. 07 of 2015, Dated 13.04.2015, Under Sections 302/201/34 of Indian Penal Code now pending in the Court of Learned Additional Sessions Judge (2nd) Fast Track Court at Jalpaiguri, vide Sessions Case No. 407 of 2015.

The Learned Counsel for the petitioners submits that initially the case was initiated as UD Case and subsequently the same was converted into F.I.R. and the petitioners were arrested. After the investigation, the police has submitted charge sheet and the case is at the stage of trial. Altogether there are twenty six witnesses out of which ten witnesses have been examined.

The Learned Counsel for the petitioners submits that the petitioners are in custody for the last seven years and there is no progress in the trial since the year 2019.

The Learned Counsel for the petitioner further submits that if the bail is granted to the petitioners, the petitioners will appear before the trial court on each and every date of hearing.

The Learned Counsel for the State submits that as the case is at the trial stage out of twenty six witnesses ten witnesses have been examined and the prosecution will take appropriate steps for examination of the further witnesses as early as possible.

The Learned Counsel for the State further submits that at this stage if the petitioners will be released on bail, there is every apprehension that the petitioners will hamper or tamper the evidence as the case is based on the circumstantial evidence.

Considered the rival submissions of the parties, case diary and the materials on record.

It is found that the case is at the trial stage and ten witnesses were examined and only further sixteen witnesses are yet to be examined.

In view of the above, this Court finds that this is not a fit case to grant bail to the petitioners at this stage.

However, Learned Trial Court is directed to expedite the trial by examining the witnesses as early as possible preferably within a period of six months from the date of receipt of the copy of this order.

CRM (DB) 285 of 2022 stands accordingly **disposed of**.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao J.)

(Subrata Talukdar, J.)