

04.04.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1160 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belurr P. S. Case No.143 of 2018 dated 28.09.2018 under Sections 302/201 of the Indian Penal Code.

In the matter of : Shyamal @ Panchkari Majhi.

... Petitioner.

Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrato Roy.

...for the State.

Petitioner is in custody for more than four years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in December, 2021. While rejecting the bail prayer, this Court requested the trial court to conclude the trial at an early date preferably within a year from the next date fixed for recording evidence. Petitioner did not communicate the said order to the trial court. No witnesses appeared before the court also. Next date has been fixed for recording evidence in April, 2023. Case involves brutal murder of the wife of the petitioner. On his leading statement weapon of offence and other incriminating articles were recovered.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

Prosecution is directed to produce witnesses positively in the course of the next schedule.

Trial court shall make all endeavour to conclude the trial preferably within two years from the next date fixed before it for recording evidence without granting any unnecessary adjournment to either of the parties.

Parties are directed to communicate this order to the trial court for due compliance.

Copy of the order be also sent to the Commissioner, Howrah Commissionerate for necessary action.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)