

15.05.2023

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rejected

C.R.M. (DB) No. 1911 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maheshtala Police Station Case No. 613 of 2019 dated 10.10.2019 under Section 302 of the Indian Penal Code.

And

In Re : Shibu Karmakar petitioner

Mr. Shounak Mondal

... for the petitioner

Mr. Nguive Ahmed, learned APP

Ms. Trina Mitra

Ms. Ayantika Roy

... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is delay in trial.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Son of the victim lady is an eye-witness. He has stated petitioner had mercilessly assaulted the lady. As a result she died. Delay in the matter is engineered through subterfuge at the behest of the petitioner. On the last occasion he was unrepresented by his Counsel in the trial court but his case is actively argued before us seeking bail. This conduct is not appreciated. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to conduct the trial with utmost expedition and fixed schedules to record evidence of the witnesses at regular intervals particularly the minor witness and conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)