

24.08.2023

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rejected

C.R.M. (DB) No. 3169 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No. 163 of 2016 dated 11.12.2016 under Sections 498A/494/326/302/307/34 of the Indian Penal Code.

And

In Re : Parmila Bibi @ Parvina Bibi @ Promila Bibi @ Parimola Bibi
..... petitioner

Ms. Anusuya Sinha

Mr. Asraf Mondal

Md. Bani Israil

... for the petitioner

Mr. D. Chatterjee, learned APP

Mr. Santanu Chatterjee

... for the State

1. Officer-in-charge, Thanarpara Police Station and investigating officer are present in Court.

2. Materials on record show that the victim made a dying declaration implicating the petitioner. We are informed that the medical officer who recorded dying declaration is presently posted at Medical College and Hospital at Kolkata. Hence, the said Medical officer is the most vital witness. Due to his non-availability there was delay in trial and the petitioner has suffered incarceration for more than six years. Though we are not inclined to grant bail to the petitioner in a case of murder which would attract mandatory life imprisonment, we direct the trial court to examine the medical officer at the earliest preferably within one month from the next date fixed for

recording evidence. In the event the medical officer is unable to come to Court due to his official commitments, the Court shall resort to his examination through video linkage.

3.The application for bail is, thus, rejected.

4.Trial of the case shall be concluded positively within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

5. Personal appearance of the officer-in-charge and the investigating officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)