

7 08.12.2023
(AD) Court No.5
(Rejected)

C.R.M. (DB) 3398 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Case No.08(6) of 2018 arising out of G.R. No.65 of 2018 in connection with **Kalyani** P.S. Case No.**26 of 2018** dated **26.01.2018** under Sections **302/201/34** of the Indian Penal Code, 1860.
And

In the matter of: Bappa Biswas @ Rocky

....petitioner.

Mr. Debarshi Brahma

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

... for the State.

The application for bail is taken up for consideration subsequent to the order dated November 17, 2023.

Report submitted in Court be taken on record.

By such order, the Court directed the witnesses to be positively present on the scheduled dates. No adjournment was directed to be granted.

Presence of the Officer-in-Charge and the Investigating Officer were required on the next date.

The next date fixed by the order dated November 17, 2023 was December 7, 2023.

Since we were entrusted with urgent matters relating to the determination of the Coordinate Bench before which, the

bail application was to appear on December 7, 2023 and since none of the parties mentioned the same before us for inclusion, the application did not appear in the list on December 7, 2023.

Be that as it may, learned Additional Public Prosecutor mentioned the matter on December 7, 2023 itself and pointed out to us that, both the Officer-in-Charge and the Investigating Officer were present in Court. Noticing their presence, we dispensed with their further presence today. We directed the matter to be placed today in the list.

Petitioner is represented.

Learned Advocate appearing for the petitioner submits that on November 17, 2023, at least five prosecution witnesses remain to be examined at the trial.

Learned Additional Public Prosecutor submits that, only the Investigating Officer remains to be examined as a prosecution witness and that the next date fixed is January 5, 2024.

In view of such stand being taken by the prosecution, we direct that the evidence of the prosecution be recorded on the date fixed.

Learned Trial Judge is requested to invoke provisions of Section 309 of the Code of Criminal Procedure and fix continuous dates for recording of evidence, if required.

Learned Trial Judge is requested to dispose of the trial as expeditiously as possible and not to grant any unnecessary adjournments to any of the parties.

Considering the gravity of the offence and the

involvement of the petitioner in the incident and considering the fact that the trial is at the fag end, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 3398 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)