

18.09.2023
Sl. No.21
akd
[Rejected]

C. R. M. (DB) 3610 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Ratua Police Station Case No.116 of 2014 dated 16.02.2014 under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No.268 of 2014)

And

In Re: ***Nilambar Mishra***

... .. Petitioner

Mr. Parthapratim Das
Ms. Sabnam Laskar

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted he is a member of the paramilitary force. He does not ordinarily reside with his wife. His wife was murdered in a field. All vital witnesses have been examined but incriminating circumstances have not been proved. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the husband of the victim lady. He ordinarily resided with her at the matrimonial home. Victim was found murdered in a field adjoining the matrimonial home. Trial is in progress.
3. We have considered the materials on record. Petitioner is the husband of the victim lady. Victim had been murdered at the matrimonial home. Trial is in progress. Offences, if proved, would attract mandatory life imprisonment. Petitioner had absconded for more than eight years. Possibility of abscondence in the event he is

released on bail cannot be ruled out. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. We direct the trial court to conduct the trial with utmost expedition by fixing schedules at regular intervals and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)