

11.10.2023
tkm/ct 28
sl no. 25

C.R.M. (DB) 3945 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Goghat PS case no. 201 of 2020 dated 20.10.2020 under sections 302/34 IPC

And

In Re : Srimonta Santra @ Sriamanto Santra ...petitioner

Mr. N S Ghosh
Ms. S Chatterjee

..... for the petitioner

Mr. S Bapuli
Mr. Arani Bhattacharyya

..... for the State

1. Petitioner submits PW1 who claimed to have seen the incident is not an eye-witness. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record including the evidence of PW1. During chief the witness stated that he had seen the incident. Petitioner had assaulted his father on head. During cross examination he claimed he heard the cries and had come to the spot after ten minutes. A quarrel had ensued between the parties. In the course of quarrel petitioner assaulted the victim resulting in his death. These circumstances do not improbabilise PW1 as eye witness even if he had arrived at the spot 10 minutes after hearing hue and cry.
4. Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner at this stage and his prayer for bail is rejected.
5. Trial court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next

date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

6. Parties shall communicate this order to the trial court for necessary compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)