

17.10.2023

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rejected

C.R.M.(DB) No. 4058 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No. 102 of 2021 dated 12.05.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Sathi Bhattacharya (Dule) petitioner

Mr. Asimes Goswami

Ms. Poulami Banerjee

Ms. Priyanka Dutta

... for the petitioner

Mr. Swapan Banerjee

Mr. Suman De

... for the State

1. Learned Counsel for the petitioner submits she is in custody for more than two years. It is also submitted that there is delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is in progress. It is also submitted that date has been fixed for recording prosecution evidence.

3. We have considered the materials on record. Minor child of the petitioner deposed against her and stated she had conversation with her paramour, a co-accused, to commit the murder. The said vital and vulnerable witness is yet to be examined. Delay in the matter cannot be attributed to prosecution alone. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

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

5. Trial court is requested to examine the witnesses by fixing schedules at short intervals and conclude the same 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.

6. Trial court is also requested to examine the minor child in court at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)