

15.06.2023

Ct.No. 1
Item No. 66
Saswata
Rejected

***CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI***

C.R.M. (DB) 287 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Darjeeling Sadar Police Station Case no. 281 of 2016 dated 28.12.2016 under Sections 302/323/307/34.

And

In the matter of : **Balay Rai.**

...petitioner

Mr. Nirmal Rai

...For the petitioner

Mr. Aditi Shankar Chacraborty

Mr. Ujjwal Luksom

Mr. Sourav Ganguly

....For the State

1. Learned Counsel for the petitioner submits that the petitioner is similarly placed as that of one, Deoman Rai, who was granted bail on 10th May 2023 by a Coordinate Bench of this Court.
2. Learned APP, in opposing the prayer for bail has relied upon the statement of the one of the eye witnesses recorded under Section 164 of the Cr.P.C., which directly implicates the petitioner in commission of the alleged offence.
3. Having considered the materials in the case diary, prima facie disclosing involvement of the petitioner in commission of the alleged offence, we are not inclined to grant bail to the petitioner.

4. However, having regard to the fact that the petitioner is in custody for about 7 years and out of 31 witnesses, only 7 witnesses are left to be examined by the Learned Trial Court, we request the Learned Trial Court to dispose of the trial within a period of 6 weeks from the date next fixed before it.
5. We request the parties to cooperate with the Learned Trial Judge in concluding the trial.
6. The District PP is requested to ensure compliance of this order.
7. The application for bail is accordingly **rejected**.
8. CRM (DB) 287 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)