

12.06.2023
SL No.5
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 300 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Session Case No.329 of 2017 arising out of Malbazar Police Station Case No.414 of 2017 dated 08.08.2017 under Sections 376(2) (j) (l) of the Indian Penal Code.

And

In the matter of : **Punai Oraon**

- Petitioner.

Mr. Kallal Ghosh,
Mr. Bhanu Singha Sarkar,
Mr. Kishan Sah

... For the Petitioner.

Mr. Aditi Sankar Chakraborty, Ld. A.P.P.
Mr. Sourav Ganguly

... For the State

The learned Counsel for the petitioner submits that the petitioner is in custody for almost 6 years and out of 16 witnesses, 6 witnesses have been examined and there is no possibility of the trial to be concluded in the near future. The learned Counsel for the petitioner also submits that he is innocent and he has been falsely implicated.

We have heard the learned Counsel for the de facto complainant and the prosecution. The learned Counsel for the prosecution has drawn our attention to the statement recorded

under Section 164 of the Cr.P.C. and submits that the materials available on record clearly implicate the petitioner. It is submitted that tomorrow and day after tomorrow have been fixed for recording evidence of the C.S.W. 5, 7, 8 and 9 and there is every possibility of accused absconding in the event he is released on bail.

Having considered the progress made in the trial and that consecutive dates have been fixed for recording the evidence of the prosecution witnesses, we dispose of this application by requesting the learned Trial Court to conclude the examination of the remaining witnesses within two months from the date fixed without granting any unnecessary adjournment to the prosecution. The prosecution must adhere to the time schedule.

Accordingly, the application for bail is rejected and disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)