

15.06.2023

Ct.No. 1
Item No. 8
Saswata
Rejected

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

C.R.M. (DB) 316 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Haldibari PS case no. 49/2018 dated 02.04.2018 under Sections 341/326/307 of the Indian Penal Code, 1860
And

In the matter of : **Bapi Roy @ Gouranga**

...petitioner

Mr. Kallol Ghosh
Mr. Rajkumar Gupta
Mr. Bhanu Singha Sarkar
Mr. Kishan Sah
Mr. Utpal Dutta
Mr. Rakesh Gupta

...For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

...For the State

1. Learned Counsel for the petitioner submits that the petitioner is in custody for over 5 years and there is substantial progress in the case. It is submitted that out 13 charge-sheeted witnesses, only 7 witnesses have been examined.
2. Learned APP submits that the victim has directly implicated the petitioner and has relied upon the injury report to show grievous nature of the injury sustained by the victim.
3. Considering the materials available in the case diary, the nature of injury sustained and that trial has progressed substantially and having regard to the evidence of the

victim, we are of the opinion that this is not fit case where the petitioner shall be enlarged on bail at this stage.

4. The application for bail is accordingly **rejected**.
5. However, we request the Learned Trial Court to conclude the evidence of the remaining witnesses within 6 months from date.
6. The DLSA, Cooch Behar is directed to communicate this order to the Learned Trial Court for taking immediate steps and necessary action.
7. CRM (DB) 316 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)