

16.06.2023
SL No.8
Court No.1
(gc)
(Rejected)

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

CRM (DB) 328 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No.149 of 2016, arising out of Falakata Police Station Case No.910 of 2015 dated 12.11.2015 under Sections 302, 201 of the Indian Penal Code.

And

In the matter of : **Majrul Haque**

- Petitioner.

Mr. Kallal Ghosh

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Aniruddha Biswas

... For the State.

The petitioner has renewed his prayer for bail. The earlier application for bail was rejected by the Coordinate Bench on 27.04.2021. The learned Counsel for the petitioner also submits that from the glaring discrepancies in the evidence of the witnesses whose statements have been recorded so far and, in fact, two witnesses have been turned hostile.

The learned Counsel for the State in opposing the prayer for bail submits that it is a case of gruesome murder and the trial has substantially progressed, in fact, the remaining witnesses could be examined within a period of three months from date.

The learned Counsel has assured that in the event a time frame is made by the learned Trial Court, all endeavour would be

made to present the witnesses so far remained to be examined on such dates specific without any fail.

Considering the materials available in the case diary and the fact that the 19 witnesses out of 26 witnesses have been examined, we request the learned Trial Judge to conclude the evidence of the remaining witnesses preferably within a period of four months from the date of communication of this order without granting any adjournment to either of the parties.

A copy of this order shall be communicated to the District P.P. in order to ensure that the prosecution witnesses appear on the date fixed.

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.)