

07.07.2023
Item no.21.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 388 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2023 in connection with Kurseong Police station Case No. 83 of 2023 dated 10.08.2022 under Sections 304 of the Indian Penal Code.

And

In the matter of : Wangdi Sherpa Petitioner.

Mr. Anand Bhandari,
Mr. Urgen Lama,
Mr. Pahthu Rai,
Mr. Mayank Bhandari,
.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Arjun Chowdhury,for the State.

Mr. Ujjwal Luksom,
...for the de-facto complainant.

The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench by an order dated November 29, 2022 passed in CRM (DB) 404 of 2022.

The petitioner says that he has been in custody for a long time. He has been framed in this case. He has no role to play in the alleged incident.

Learned counsel for the petitioner tries to point out inconsistencies in the depositions of the prosecution witnesses.

The prayer for bail is opposed strongly not only on behalf of the State but also on behalf of the de facto

complainant. We are told that eleven out of thirteen prosecution witnesses have already been examined.

We have seen the depositions. There appears to be at least one eye witness to the alleged incident.

In view of the aforesaid, we are not inclined to exercise our discretion in favour of the petitioner.

However, considering the lengthy detention of the petitioner, we direct the learned Trial Court to conclude the trial at the earliest and preferably within a period of three months from the date of communication of this order. Learned Trial Court is directed to act on a server copy of this order.

The application for bail is, accordingly, rejected at this stage.

CRM (DB) 388 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)