

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

4.09.2023

Item no.13

Court No.01

P.P./S.D.

CRM (DB) 494 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re: Goutam Biswas

.... petitioner

Mr. Arnab Saha

....for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Arjun Chowdhury

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kotwali Police Station Case No.522 of 2020 dated 21.8.2020 under Sections 302/498A of the Indian Penal Code.

Mr. Saha, learned advocate appearing for the petitioner submits that the entire case is based upon circumstantial evidence. The petitioner has been falsely implicated. The incident occurred about 14 years after marriage. The petitioner had already suffered long incarceration since 21.8.2020. Though the charges have been framed, no witnesses have yet been examined. There are 17 witnesses and as such there is no scope

towards early conclusion of the trial. In the said conspectus, the petitioner may be granted bail on any stringent condition.

Mr. Chowdhury, learned Advocate appearing for the State opposes the petitioner's prayer and submits that on the statement of the petitioner, the offending weapon was recovered. There are strong incriminating materials on record against the petitioner and as such the prayer of the petitioner needs to be refused.

Having heard the learned Advocates appearing for the respective parties and considering the materials in the case diary including the statement of the defacto complainant as recorded under Section 164 of the Cr.P.C., the seizure list, the gravity of the offence, and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour and his prayer for bail is refused at this stage.

Mr. Saha, however, has expressed his anguish and inconvenience as regards the delay in the progress of trial.

We take notice of such issue and direct the learned court below to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code of Criminal Procedure, so that logical conclusion of this case may be reached at the earliest.

With the above observations and directions, the application being CRM (DB) 494 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)