

11.01.2023
SL No.7
Court No.3
BR

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

CRM 9 of 2022

**Re : An application for Bail under Section 439 of the
Code of Criminal Procedure Code in connection with
Criminal Misc. Case No. 2844 of 2022**

In the matter of : Anjan Mishra

.... Petitioner

Mr.Hillol Saha Podder

.... For the petitioner

Mr. Aditi Sankar Chakraborty, Id. APP

Mr. Sourav Ganguly

.... For the State

Heard learned counsel for the petitioner who submits that upon completion of investigation police has submitted prosecution report against the accused petitioner. There is no reason to curtail the liberty of the petitioner. He may be enlarged on bail on any condition.

Having considered the materials placed before the Court, I find that one live peacock, one tortoise caparace and a turtle caparace were recovered from the accused/petitioner apart from arms and ammunition . It is submitted that only three persons have been cited as witnesses from the side of the prosecution.

Therefore, I am not inclined to enlarge the accused/petitioner on bail at this stage. It is submitted that 13th January, 2023 is the date fixed for production of the accused/petitioner before the

learned Trial Court. Prosecution is directed to supply copy of the documents that would be relied upon by the prosecution during trial to the accused person positively on 13th January, 2023.

Learned Trial Court is directed to proceed with the trial within 15 days thereafter by fixing consecutive three days for examination of witnesses from the side of prosecution. It will be the duty of the Enquiring Officer to produce the witnesses before the learned Trial Court on the designated dates. No witness shall be examined in part. If either of the parties seek adjournment it should be rejected unless any compelling circumstances is found to justify such adjournment. If learned defence counsel prefers not to cross-examine the witnesses examined by the prosecution on the designated date, it shall be considered that the right to cross-examine is being waived.

Learned Trial Court shall take all required steps to dispose of the cases as early as possible and preferably within 10th of February, 2023 keeping in mind that the accused person will be facing trial from the custody. In case of non-compliance of the direction the petitioner will have the liberty to approach the appropriate Court for bail.

Copy of the order sheet be sent to learned trial Court for information and for compliance.

(Siddhartha Roy Chowdhury, J.)

