

12.12.2023

3
sdas
rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 691 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalimpong Police Station Case No. 66 of 2020 dated 26.03.2020 under Sections 376/354C/323/506/509 of the Indian Penal Code.

And

In Re : Benhur Macabe @ Benhur Maccab petitioner

Ms. Pratusha Dutta Chowdhury
....for the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy
..... for the State

1. Learned Counsel for the petitioner submits he was on bail earlier. Due to miscommunication he was unable to appear before the trial court. As a result warrant of arrest was issued. Subsequently by order dated 29.11.2023 in CRR 319 of 2023 learned Single Judge of this Court stayed the warrant and directed the petitioner to surrender before the court below. Thereafter petitioner surrendered and has been taken into custody. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is at its fag end. Examination of the

petitioner under Section 313 of the Code of Criminal Procedure is complete.

3. We have considered the materials on record. Petitioner had misused his liberty. Trial is at its fag end. In the event the petitioner is released on bail this may result in delay and dilation of the proceeding. Hence, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Trial court is directed to conclude the trial at an early date preferably within three months from the next date fixed before it without granting unnecessary adjournment to either of the parties.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)