

12.12.2023

4  
sdas  
rejected

IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 692 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdogra Police Station Case No. 579 of 2022 dated 07.12.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Biswajit Shil @ Babai .... petitioner

Mr. Somraj Paul  
....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP  
Mr. Biswarup Roy  
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for 370 days. It is also submitted there is no direct evidence connecting him with the murder. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and the victim were together on the fateful night. Statements of the witnesses and other materials including CDRs collected during investigation establishes such fact. Petitioner had motive to commit the crime. Trial is in progress. Bail prayer of the co-accused had been turned down.

3. We have considered the materials on record. Statements of witnesses and other materials support the prosecution case that petitioner and the victim were together on the night of occurrence. Bail prayer of co-accused had been turned down by a co-ordinate Bench of this Court. Trial is in progress. In view of the aforesaid circumstances and gravity of the offence, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. In view of the number of witnesses proposed to be examined trial court is directed to conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

**(Apurba Sinha Ray, J.)**

**(Joymalya Bagchi, J.)**