

13.12.2023

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 697 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kurseong Police Station Case No. 83 of 2022 dated 10.08.2022 under Section 304 of the Indian Penal Code.

And

In Re : Wangdi Sherpa petitioner

Mr. Urgen Lama

....for the petitioner

Mr. Nilay Chakraborty

Mr. Arjun Choudhury

..... for the State

1. Learned Counsel for the petitioner submits is is in custody for more than 400 day. It is also submitted inspite of direction given by this Court to conclude trial within three months trial has not concluded. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is at its fag end. Date has been fixed for examination of the petitioner under Section 313 of the Code of Criminal Procedure.

3. We have considered the materials on record. Allegations involve culpable homicidal not amounting to murder. Trial is at its fag end. Due to heavy pendency in the trial court

date has been fixed for examination of the petitioner/accused under Section 313 of the Code of Criminal Procedure in January, 2024. There is substantial progress in the matter. Hence, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to examine the petitioner under Section 313 of the Code of Criminal Procedure on the date fixed and if it is unable to do so due to circumstances beyond control positively within a fortnight thereof. Thereafter trial shall be concluded as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)