

CRM (DB) 1513 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kalyani Police Station** Case No. **701 of 2022** dated **18.12.2022** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Samrat Barui

.... Petitioner.

Mr. Shibaji Kumar Das,

... For the Petitioner.

Mr. Antarikhya Basu,
Mrs. P. Sarkar,

... For the State.

The petitioner says that he has no connection with the alleged offence. The principal accused, Mohan, being the husband of the victim lady, stands discharged. The petitioner was implicated on the basis of statement made by Mohan. He is in custody for one year and eight months. There is no likelihood of the trial concluding at an early date. He prays for bail.

Learned Advocate for the State, while opposing the petitioner's prayer for bail, draws our attention to statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. He has shown a statement of a shopkeeper who has stated that the offending weapon being a 'Daon' was purchased by the petitioner from his shop. Blood stains have been found on that weapon which was recovered on the basis of statement made by the petitioner. FSL report is awaited. The post mortem is to the effect that death was caused by chopping.

In view of the *prima facie* incriminating evidence against the petitioner, we are not inclined to enlarge him on bail immediately.

CRM (DB) 1513 of 2024 is, thus, dismissed.

However, keeping in mind that he is in detention for quite some time, we direct the learned Trial Court to conclude the trial at the earliest but definitely within eight months from the next date fixed for recording evidence which we are told is July 6/7, 2024.

In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)