

10.06.2024
Item no. 60.
Court No.28.
AB
(Rejected)

CRM (DB) 1652 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Arsha Police Station Case No.109 of 2021 Dated 17.10.2021 under Sections 341/325/326 307/302/34 of the Indian Penal Code

And

In the matter of : Malati Majhi & Ors.

.....Petitioners.

Mr. Aritra Bhattacharyafor the Petitioners.

Mr. Madhusudan Sur, Id. APP
Ms. Puspita Sahafor the State.

The petitioners are three out of eight accused persons.

The charges are grave i.e. under Sections 341/325/326/307 302/34 IPC. The victim was one Akash.

The petitioners say that they had no major role to play in the alleged incident. They are in custody since September 2022. There is no such incriminating material on record against them as would justify their detention even after the trial has started.

Learned Advocate for the State strongly opposes the prayer for bail. He draws our attention to statements of witnesses recorded under Section 161 Cr.P.C. as also to the evidence of 12 witnesses recorded so far. The depositions as well as statements recorded under Section 161 Cr.P.C. clearly name the present petitioners as alleged offenders.

We are told that out of 27 witnesses, 12 witnesses have been examined. Considering the gravity and nature of the alleged offence and the possible extent of complicity of the petitioners therein, we are not inclined to allow the present application, at this stage.

The prayer for bail is, accordingly, rejected.

However, since the petitioners are in custody for an appreciable period of time, we request the learned Trial Court to expedite the trial and conclude the same as early as possible and preferably within a period of eight months from the date of a copy of this order being placed before the learned Judge.

We are told that the post of Additional Sessions Judge, First Court, Purulia is lying vacant since March, 2024. We request the learned Judge in-charge of that Court to look into the matter and take up the trial to the extent it may be possible for him/her.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)