

24.06.2024
Item no. 33.
Court No.28.
AB
(Rejected)

CRM (DB) 1658 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kultali P. S. Case No.640 of 2022 dated 11.10.2022 under Sections 302/34 of the Indian Penal Code

And

**In the matter of : Balaram Kayal @ Baloram Kayal @
Boloram Kayal**

.....Petitioner.

Mr. Arindam Jana,
Ms. Tanusree Kar,
Mr. O. Mukhopadhyay,
Mr. Partha Pratim Sinhafor the Petitioner.

Mr. Joydeep Roy,
Ms. Sujata Dasfor the State.

Mr. A. P. Roy,
Mr. Syed Murshid Alam
Mr. Subrata Ghosh,
Ms. Amrita Senfor the Defacto complainant.

The petitioner says that he is in custody for about one year and seven months. It is anybody's guess as to when the trial will conclude. The material on record is not sufficient to justify his continued detention. He prays for bail.

While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary including the statement of the wife of the victim recorded under Section 164 Cr.P.C. She specifically implicates this petitioner as one of the assailants.

Learned Advocate for the defacto complainant also opposes the prayer for bail.

We have also seen the post mortem report. The injury that was inflicted on the victim was grievous and the victim succumbed to the same.

In view of the prima facie incriminating material against the petitioner, we are not inclined to entertain his prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1658 of 2024 is dismissed.

We are told that 24 witnesses have been named in the charge sheet. However, learned Advocate for the State, on instruction, says that only 15 out of them will be examined. One witness has already been examined today. Date has been fixed for examination of P.W.2.

Keeping in mind that the petitioner has been in incarceration for a considerable period of time, we direct the learned Trial Court to spare no effort to expedite the trial to the fullest extent possible and bring the same to an early conclusion as soon as possible but definitely within a period of one year from the next date fixed for recording of evidence.

We further make it clear that in the event the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

The parties shall 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)