

12.06.2024
Item no.27.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1701 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Amitava Saha @ Amitabha Saha.

.....Petitioner.

Ms. Supriya Dutta,
Ms. Devipriya Mitra,
.....for the Petitioner.

Mr. Saibal Bapuli,
Ms. Manasi Roy,for the State.

The allegation is of murder. It is alleged that the petitioner, who runs a stall, killed an employee of another stall in the same locality.

The petitioner's prayer for bail was rejected on merits by a Co-ordinate Bench by an order dated December 19, 2023, passed in CRM (DB) 4386 of 2023. There has really been no change of circumstance after that.

The petitioner says that his 7-year old son is suffering from acute kidney disorder. He should be released on bail to arrange for treatment of his son.

We are not inclined to allow the petitioner's prayer for bail. Prima facie, there appears to be sufficient incriminating evidence against him.

The application for bail is, accordingly, rejected.

We are told that 11 out of 18 witnesses have already been examined. July 18, 2024 has been fixed as the next date for recording of evidence. Since the petitioner is in custody for one year and two months, we request the learned Trial Court to conclude the trial within three months from the date of communication of this order by the parties to the learned Trial Court, excluding the official vacation of the Court.

However, we grant liberty to the petitioner's wife to approach the Director of Health Services, Government of West Bengal, for assistance with regard to treatment of the petitioner's son. If so approached, the Director of Health Services is requested to take appropriate action on humanitarian grounds.

Mr. Bapuli, learned APP as also the Registry are requested to communicate this order to the Director of Health Services, Government of West Bengal.

CRM (DB) 1701 of 2024 is dismissed.

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.)