

39. 02.07.2024  
Court  
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1877 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Amdanga Police Station Case No. 544/2021** dated **18.10.2021**.

And

In the matter of: - **Palash Kahar**.

Mr. Angshuman Chakraborty, Adv.,  
Mr. S.S. Saha, Adv.

...for the petitioner.

Ms. Amita Gaur, Adv.,  
Ms. Dhanasree Biswas, Adv.

...for the State.

The petitioner complains that he is in custody for two years and nine months. Charge was framed on August 21, 2023. Since then, 14/15 dates were fixed for examination of witnesses. Not on a single date any witness was examined as witness did not turn up. There are 16 witnesses. It is anybody's guess when the trial will conclude. He should be granted bail.

We appreciate the petitioner's anxiety. However we find from the material on record that there is enough *prima facie* evidence against the petitioner who is the sole accused in the matter. The allegation is that he murdered his mother-in-law. There are three eyewitnesses who have recorded their statements under Section 164 of the Code of Criminal Procedure, 1973.

In view of the nature and quality of evidence presently available and on an assessment of the material in the case diary, although the petitioner is in custody for quite some time, we are not inclined to grant him bail immediately. Accordingly, the prayer for bail is rejected.

The application being CRM (DB) 1877 of 2024 is accordingly dismissed.

However, we direct the learned Trial Court to do everything possible to expedite the trial to the fullest and conclude the same as soon as possible.

This order shall be immediately communicated by the parties to the learned Trial Court.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**