

47.
Court
No.28

06.08.2024

(Tanmoy)

Rejected

CRM (DB) 2371 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Durgachak P.S. Case No. 154/2016, dated 05.12.2016.

And
In the matter of: - **Subrata Danda Path @ Subrata Dandapath** ...petitioner.
Mr. Bikash Chandra Halder ...for the petitioner.
Mr. Antariksha Basu
Ms. Chandreyi Dutta ...for the State.

1. Learned counsel for the petitioner submits petitioner is in custody for more than eight years. He prays for bail.
2. Learned lawyer for the State submits trial is at its fag end. Only two witnesses, namely, the Medical Officer and Investigating Officer are to be examined.
3. We have considered the materials on record. There are ample evidence to show petitioner had murdered his wife. Offence, if proved, can attract mandatory life imprisonment. However, trial has dragged on for a protracted period of time.
4. Under such circumstances, we direct the Trial Court to ensure the remaining prosecution witnesses are examined at the earliest and the case be disposed of within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.
5. We further direct the Superintendent of Police, Purba Medinipur, to ensure the attendance of the official witnesses

on the next date fixed and the Judge in-charge shall proceed to record their evidence in accordance with law.

6. With these directions, the prayer for bail is rejected.
7. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)