

41.  
18-11-2024  
(ct. no.29)  
S. De  
(**Rejected**)

## **CRM (DB) 2718 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Debobrato Pati.**  
**.....Petitioner.**

Mr. Shashanka Shekhar Saha,  
.....for the Petitioner.

Mr. Madhusuda Sur, Ld. APP.  
Ms. Rita Dutta, .....for the State.

### **Dictated by Arijit Banerjee, J.**

1. The petitioner renews his prayer for bail which was rejected earlier on merits on December 22, 2021. He complains of delay in conduct of the trial. He says that he is in custody for more than three years and four months. PW-8 was examined on August 20, 2023. PW-9 was examined in part on June 20, 2024 and on the prayer of the prosecution counsel, his further examination was deferred. Since then his examination has not been completed.
2. Opposing the prayer for bail, learned APP drew our attention to the material in the case diary and the post mortem report. Prima facie, there is incriminating material against this petitioner who was the live-in partner of the victim lady. It appears that the examination of PW-9 is to be completed and thereafter there is only one forensic witness. Hence, the trial is on the verge of conclusion. In view of the material available indicating involvement of the petitioner in the alleged crime of

murder, we are not inclined to allow the petitioner's prayer for bail at this stage.

3. CRM (DB) 2718 of 2024 is dismissed.
4. However, we are told that November 26, 2024, has been fixed as the date for further examination of PW-9. The State should ensure that PW-9 is present before the learned trial Court on that date and, if possible, his examination and cross-examination is concluded on that date.
5. In general, considering the long detention of the petitioner, we request the learned Trial Court to conclude the trial by delivery of judgment as soon as possible.
6. Let this order be communicated by the parties to the learned Court below.

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

**(Arijit Banerjee, J.)**