

10. 23.12.2024
Court
No.29 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3119 of 2024

In Re: - An application of bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Deep Shekhar Basu @ Deep Sekhar Basu.**
.....petitioner.

Mr. Sabyasachi Banerjee, Sr. Adv.
Mr. Anirban Dutta
...for the petitioner.

Mr. Akashdeep Mukherjee,
Mr. Soumyadeep Nag,
Ms. Soumali Das
....for the *de-facto*.

Ms. Shreyashi Biswas,
Ms. Sujata Das
....for the State.

Dictated by Partha Sarathi Sen, J.

1. At the time of hearing, learned advocate for the petitioner at the very outset draws attention of ours to page 32 of the instant application for bail, being the copy of the post-mortem report. It is submitted since the autopsy Surgeon could not form any definite opinion with regard to the cause of death and since no chemical examiner's report has been submitted as yet, the instant application for bail may be considered favourably.
2. While opposing the prayer for bail, learned State advocate requests this Court to peruse the post-mortem report, the

medical examination report dated March 15, 2024 and the further report of the autopsy Surgeon.

3. It is submitted that from the post-mortem report as well as the FSL report, it would reveal that death of the victim was homicidal in nature.
4. On perusal of the entire materials as placed before us, *vis-à-vis* the post-mortem report as well as the FSL report it reveals that it has been opined in the FSL report that the possibility of using *Orna* (Exhibit IA) for strangulation of a normal human being could not be ruled out.
5. It is reported that after submission of charge-sheet, charge was considered and trial is in progress and as on this date, cross-examination of PW-1 is going on.
6. Considering the entire circumstances and also considering the seriousness of the crime, we are not inclined to allow the petitioner's prayer for bail, at this stage.
7. The prayer for bail is, thus, **rejected**.
8. Considering that the petitioner is already in custody for one year and three months, we request the learned trial court to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournment to either of the parties.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)