

13.11.2024  
Sl. No.72  
akd  
[Rejected]

**C. R. M. (DB) 3702 of 2024**

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.11.2024 in connection with Garhbeta Police Station Case No.141 of 2005 dated 29.10.2005 under Sections 498A/304B of the Indian Penal Code. (G.R. Case No.1542 of 2005)

And

In Re: ***Goutam Manna***

... .. Petitioner

Mr. Amit Ranjan Pati  
Mr. Sunayan Ghosh  
Ms. Swastika Chowdhury

... .. for the petitioner

Mrs. Sonali Das  
Mr. Akash Ganguly

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about 459 days. It is further submitted due to non-availability of witnesses, trial could not proceed. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was granted bail earlier. Thereafter, he had absconded and his bail was cancelled. He has substantially contributed to the delay.

3. We have considered the materials on record. Petitioner is in custody for more than a year. However, he had absconded earlier and contributed to the delay. Presently, delay is at the behest of the prosecution due to non-production of witnesses. It is common knowledge delay engineered by defence discourages witnesses who are exasperated by delay and do not want to attend the trial. Possibility of abscondence of the petitioner, if released on bail, is also palpable. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.

5. Trial court is directed to take steps for examination of official witnesses at the earliest and conclude the same at an early date preferably within six months from the next date fixed for recording evidence. In the event, the official witnesses do not respond to the summons, the trial court shall intimate the superior officer to take appropriate disciplinary proceedings against them.

6. Parties shall communicate a copy of this order to the trial court for due compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**