

05.01.2024.
41.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panskura P.S. Case No.0097 of 2023 dated 11.02.2023 under Sections 201/302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/201/34 of the Indian Penal Code.

In the matter of : **Surajit Chakraborty.**

... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh.

...for the Petitioner.

Mr. Binay Kr. Panda,
Ms. Rita Datta.

...for the State.

1. Petitioner submits he is in custody for over 329 days. He contends the First Information Report is *ante* timed. Some of the eyewitnesses to the incident viz., Ranjit Mondal and his wife have not been cited in the charge sheet. Accordingly, he renews his bail prayer.

2. Learned Advocate for State contends Dilip Mondal is an eyewitness. His statement was recorded under Section 164 of the Code of Criminal Procedure. There are other incriminating materials implicating the petitioner in the crime. He opposes the bail prayer.

3. We have considered the materials on record. There was a dispute between the petitioner and deceased over storing flower bags. On the fateful night, it is alleged petitioner and others had assaulted the victim with

bamboo sticks. Incident was witnessed by one Dilip Mondal whose statement has been recorded under Section 164 of the Code of Criminal Procedure. Thereafter, the written complaint came to be registered. Slight variation in the time noted in the formal FIR would not erode the credibility of the prosecution case which is founded on the statement of eyewitness recorded under Section 164 of the Code of Criminal Procedure. Non-citing of other eyewitnesses in the charge sheet may be looked into in course of trial.

4. Under such circumstances, we are not inclined to grant bail to petitioner at this stage.

5. Accordingly, the prayer for bail of petitioner is rejected.

6. Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)