

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

08.03.2024
Court No.1
Item. 11
(Suvendu)

CRM(DB) 55 OF 2024

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Phansidewa Police Station Case No. 214/2022 dated 07.05.2022 under Section 302 of the IPC.

And

In the matter of: Palash Roy

.Petitioner.

Mr. Hillol Saha Podder

For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

For the State.

1. We rejected the petitioner's prayer for bail on 18th August, 2023 but recorded that 29th to 31st August, 2023 were fixed for examination of at least 6 witnesses.
2. The records hand up by learned counsel appearing for the petitioner however show otherwise. Of the five orders placed before us, witnesses were absent on three occasions, the Presiding Officer was on leave on one occasion and the prosecution prayed for an adjournment on the other occasion. This would cover all five orders.
3. It is definitely the responsibility of the prosecution to ensure presence of witnesses so that the trial can proceed without delay. Learned counsel appearing for the prosecution has no explanation for the nil progress in the trial even though we rejected the prayer for bail on 18th August, 2023 also on the ground that the trial is underway.
4. Considering the orders but also the fact of the petitioner's involvement *prima facie* in the alleged offence, we decline the prayer for bail but direct the concerned Additional Sessions Judge, Siliguri to conclude the

trial within six months from today. This is also the stand of the prosecution.

5. We make it clear that the petitioner will have the liberty of praying appropriate orders if the trial is not concluded within the time specified above.
6. CRM(DB) 55 of 2024 is disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)