

13.05.2024

Sl. No.44

akd

[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 93 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.01.2024 in connection with Dhupguri Police Station Case No. 377 of 2023 dated 28.07.2023 under Sections 396/397/398 of the Indian Penal Code.

And

In Re: **Sakshi Mishra & Anr.**

... .. Petitioners

Mr. Debasish Mukherjee
Mr. Anirban Banerjee
Ms. Srishti Sarkar

... .. for the petitioners

Mr. Ujjwal Luksom
Ms. Namrata Das

... .. for the State

1. The application for bail is treated as an appeal under Section 101 of the Juvenile Justice Act. Necessary amendment to the cause title be made in course of the day.
2. Heard the learned Advocates appearing for both the parties.
3. We have considered the materials on record. Petitioners were between sixteen to eighteen years of age at the time of occurrence. However, they were directed to be treated as adults and tried before the Children's court. Materials demonstrate involvement of the petitioners in the offence of dacoity with murder. Trial is in progress. In view of gravity of the offence and as the possibility of intimidating witnesses cannot be ruled out, we are of not inclined to grant bail to the petitioners at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)