

02.05.2024
Court No.01
Item No. 103

Rejected

sg

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

CRM (DB) 124 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagdogra Police Station Case No. 579 of 2022 dated 07.12.2022 under Sections 302 and 34 IPC.

And

In Re: **Biswajit Shil @ Babai**

Petitioner

Mr. Somraj Paul
Mr. Sandip Guha Ray

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Subhasish Misra

For the State

1. This is an application for renewal of bail. The bail application was rejected by a coordinate Bench on 12th December, 2023 upon taking into consideration the materials on record, statements of witnesses and other materials supporting the case of the prosecution that the petitioner and the victim were together on the night of occurrence.
2. The co-ordinate Bench has also taken into consideration the submission made on behalf of the State that the statements of the witnesses and other materials including CDRs collected during investigation establishes such fact. The prayer for renewal of bail is made due to long incarceration. The co-ordinate bench directed the learned Trial Court to conclude the trial at an early date preferably within two years from the next date fixed for recording evidence

without granting unnecessary adjournment to either of the parties. The said period is not yet over. Moreover, the learned Additional Public Prosecutor has assured that due diligence on the part of the prosecution shall be provided for trial. Under such circumstances, we are not inclined to grant bail to the present accused petitioner.

3. The application for bail of the petitioner is rejected. CRM (DB) 124 of 2024 is, accordingly, dismissed.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)