

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

03.07.2024
Court No.1
(D/L 13)
(Rejected)

CRM (DB) 292 OF 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 11.06.2024 in connection with Birpara Police Station Case No.116 of 2023 dated 24.08.2023 under Sections 363/365/364 of IPC, adding Sections 302/201/120B of IPC, corresponding to Sessions Case No.250 of 2023.

And

In the matter of: **Laxmi Mochhary @ Mochari @ Buchi**
... Petitioner.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Subham Kumar
Ms. Rikta Sarkar
Ms. Sayantani Das

...for the petitioner

Mr. Kallol Acharjee
Mr. Subhasish Misra

... for the State.

Prayer for bail has been renewed.

Learned counsel appearing for the petitioner submits that on the previous occasion, this Hon'ble Court was pleased to take into consideration that according to the deposition given by PW-3, the incident is stated to happen at the house of the petitioner. However, learned counsel for the petitioner today came with the certified copy of the deposition of PW-3 and submits that no such statement was made by PW-3 in course of trial.

Learned counsel for the State has relied upon the observation made in the earlier order dated 30th May, 2024 that the petitioner has been in conversation with the principal accused who had committed murder.

Learned counsel for the State also points out that three (03) out of twenty one (21) witnesses for the prosecution has already been examined. The case is fixed on 9th July, 2024 and 10th July, 2024 for further examination of the prosecution witnesses. Under such circumstances, learned counsel for the State submits that since the trial has already progressed, the accused should not be released on bail.

Having considered the submissions made on behalf of parties and materials made available and the also taking into account that bail prayer of the petitioner was earlier rejected on 13th May, 2024, the petitioner has not been able to canvass any change in circumstances since such date, warranting bail. Moreover, the trial of the case has already been progressed.

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

The application for bail is rejected.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)