

08.07.2022.
31.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2181 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P.S. Case No.250 of 2009 dated 13.11.2009 under Section 396 and added Sections 120B/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Sarajit Sarkar @ Swarajit Sarkar
@ Bholla.

... Petitioner.

Mrs. Anasuya Sinha,
Mr. Asraf Mondal,
Md. Bani Israil.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das,
Ms. Rajyashree Mukherjee.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for more than 12 years. It is submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits trial is at its fag end. At that stage, learned Advocate representing the petitioner in the court below withdrew from the case. He was given legal assistance from DLSA concerned. Cross-examination of the Investigating Officer is in progress.

We have considered the materials on record. Allegation against the petitioner is very grave involving conspiracy in committing dacoity and four murders. Trial is at its fag end. Date has been fixed for cross-examination of Investigating officer.

In view of the aforesaid incriminating materials on record, gravity of the offence and as trial is at its fag end, we are not inclined to grant bail to the petitioner.

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

However, keeping in mind the protracted period of detention suffered by the petitioner, we direct the trial court to conduct the trial on day to day basis and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

Department is directed to send a copy of this order to the court below.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)