

10.02.2023.
34.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 556 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P.S. Case No.357 dated 26.04.2018 under Sections 420/406/409 of the Indian Penal Code.

In the matter of : Rajdeep Roy.

... Petitioner.

Mr. Jayanta Kr. Mukhopadhyay.

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for over 970 days. He submits there is delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner was entrusted with paddy for conversion into rice in the mill. He misappropriated a large portion of the paddy which was public property. Trial is in progress. Delay in trial is due to undue prolongation in cross-examination through subterfuges resorted by defence.

We have considered the materials on record. Allegations against the petitioner are grave. He misappropriated paddy entrusted to him on behalf of the State. However, he is in custody for about two and half years. Ordinarily, we would have been persuaded to enlarge the petitioner on bail. But conduct of the defence in prolonging the cross-examination and harassing public servant who was compelled to appear before the Court on repeated dates to face cross-examination

deters us from enlarging the petitioner on bail till the vital witnesses are examined.

Accordingly, we reject the bail prayer of the petitioner.

Trial court is requested to conduct the trial as expeditiously as possible and ensure that the examination of witnesses is completed on a single day and if not positively within 2/3 consecutive days and no unnecessary adjournment be granted to the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)