

26.07.2023
Sl. No.18
akd
[Rejected]

C. R. M. (DB) 2945 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.07.2023 in connection with Hare Street Police Station Case No.260 of 2022 dated 13.09.2022 under Sections 120B/417/419/420/466/467/468/471/474 of the Indian Penal Code. (G.R. Case No.1063 of 2022)

And

In Re: ***Mahesh Fogla***

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Apalak Basu
Mr. Karan Dudhwala
Mr. Nazir Ahmed

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 237 days. It is further submitted the offences are triable by Magistrate. Accordingly, he renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner and others had used forged documents in course of judicial proceeding before this court. Trial has commenced and twelve witnesses have been examined.

We have considered the materials on record. Allegations are grave but the offences are triable by Magistrate. That apart, trial has proceeded with adequate speed and twelve witnesses have already been examined. Under such circumstances, we are of the opinion release of the petitioner on bail may derail the speed of disposal of the case. Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Learned Magistrate is directed to try the case with utmost promptitude and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)