

14.09.2023
Sl. No.29
akd
[Rejected]

C. R. M. (DB) 3573 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Serampore Police Station Case No.475 dated 03.10.2018 under Sections 394/397 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re: ***Suraj Prasad***

... .. Petitioner

Mr. Sumanta Ganguly
Mr. Dibakar Sardar

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about five years. It is further submitted inspite of direction given by this court, trial has not concluded. Accordingly, he renews his prayer for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits examination of witnesses has commenced. One prosecution witness was examined in chief but at the behest of the defence his cross-examination was deferred. This has resulted in delay.
3. In reply, it is contended Prosecutor was also unable to produce witnesses on various dates.
4. We have considered the materials on record. It is true petitioner is in custody for a protracted period of time and the offences, even if proved, may not attract mandatory life imprisonment. Keeping in view these circumstances, this court while rejecting the bail prayer of the petitioner earlier directed the trial court to conclude trial

preferably within six months. Thereafter, prosecution witness was produced but defence sought to delay and dilate the proceeding by seeking deferment of cross-examination. Contribution to the delay at the behest of the defence is palpable. Hence, we are not inclined to grant bail to the petitioner on the score of delay at this stage.

5. The application for bail is thus rejected.
6. We reiterate our earlier direction that trial court shall ensure conclusion of trial at an early date. It shall not give deferment of cross-examination of prosecution witnesses and hold the trial on a day to day basis and conclude the same within six months from the date of recording evidence.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)