

13.06.2024
Item no. 18.
Court No.28.
AB
(Rejected)

CRM (DB) 1433 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Joynagar P. S. Case No.1203 of 2018 dated 13.12.2018 under Sections 341/ 302/ 120B/34 of the Indian Penal Code read with Section 25(1B)(a) 27 of the Arms Act and Section 3/4 of the E. S. Act

And

In the matter of : Firoz Gazi

.....Petitioner.

Mr. Apurba Krishna Das,
Mr. Bapin Baidyafor the Petitioner.

Ms. Z. N. Khan,
Mr. Bikram Mitrafor the State.

The petitioner says that he is in custody for four years and six months. Only two witnesses have been examined. The petitioner had approached the Hon'ble Apex Court for bail. By an order dated March 15, 2023, such prayer was disallowed. However, the Hon'ble Apex Court directed the learned Trial Court to proceed expeditiously in accordance with law and further granted liberty to the petitioner to apply for bail before the learned Trial Court if the trial was not concluded within one year. If such bail application was made, the learned Trial Court was directed to consider the same without being influenced by any observation made by the High Court while rejecting the petitioner's prayer.

Learned Advocate for the petitioner says that one year elapsed on March 14, 2024. The trial is still at a nascent stage. He applied for bail before the learned Trial Court. Such application was rejected. Hence, the present application before us.

We are rather concerned to find that even after four years and six months no substantial progress has been made in the trial.

Learned Advocate for the State says that although there are 130 charge sheeted witnesses, only about 35 witnesses will be examined as per her instruction. A time period may be stipulated for conclusion of the trial.

The charge is grave. The material on record prima facie incriminates the petitioner herein. Therefore, we are not inclined to grant bail immediately to the petitioner.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1433 of 2024 is dismissed.

However, the learned Trial Court is directed to expedite the matter to the fullest and bring the trial to an early conclusion and definitely within one year from the next date fixed for recording of evidence. No unnecessary adjournment will be granted. Both sides shall cooperate fully. In the event the trial is not concluded within the aforesaid time period, the petitioner will be at liberty to renew his prayer for bail.

The parties shall communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)