

13.06.2024
Item no.21.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1503 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Subir Das @ Sudhir Das.

.....Petitioner.

Mr. Abhra Mukherjee,
Mr. Souradeep Dutta,
Mr. Arpayan Mukherjee,
Mr. Swakshar Kr. Mondal,
.....for the Petitioner.

Mr. Soumick Ganguly,
Mr. Debanik Das,
...for the State.

The petitioner renews his prayer for bail which was rejected earlier by a Co-ordinate Bench by an order dated October 18, 2023 passed in CRM (DB) 4092 of 2023. The Co-ordinate Bench found prima facie the offence to be grave and prima facie involvement of the petitioner in the crime.

The charge is of murder. It appears that the elder brother, following a quarrel with the younger brother, dealt a fatal blow killing the younger brother.

Learned advocate for the petitioner says that the petitioner is in custody for one year four months. Only one witness has been examined and that too in part. It is anybody's

guess as to when the trial shall conclude. The petitioner may be enlarged on bail on such condition as this Court may decide.

There was no intention on the part of the petitioner to murder his brother. It all happened in the heat of the moment.

Learned advocate for the State says that the Presiding Officer was on leave and, therefore, there was not much progress in the trial. However, the Court may indicate the time period within which the trial is to be concluded.

Given the gravity of the charge and prima facie incriminating material available in the case diary, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The application for bail is, accordingly, rejected.

CRM (DB) 1503 of 2024 is dismissed.

However, since the petitioner has already been in custody for a considerable period of time, the learned Trial Court is directed to expedite the trial and bring the same to its logical conclusion at the earliest and in any event and definitely within a year from the next date fixed for recording of evidence.

We make it clear that if the trial is not completed within the time period indicated above, the petitioner shall be at liberty to renew his prayer for bail.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)