

16. 02.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1539 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Bhimpur P.S. Case No. 138/2023 dated 21.4.2023.

And

In the matter of: - **Dinu Sardar**

...petitioner.

Mr. Debabrata Roy
Ms. Karabi Roy
Ms. Sarbani Mukhopadhyay
Ms. Saumita Mondal

...for the petitioner.

Mr. Kaushik Biswas
Ms. Sedeshna Das

...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. The petitioner is in custody for about 490 days. He says that the trial is not progressing at all. On the ground of delay, he seeks bail.
3. Learned Advocate for the State, while opposing the prayer for bail, tells us that out of 37 charge-sheet named witnesses, the prosecution intends to examine 15 witnesses. The examination of witnesses has started. The involvement of the petitioner in the alleged crime is absolutely clear from the material on record.
4. We have seen the material on record. The offending vehicle as well as part of the booty was recovered from this petitioner.

We also see that the petitioner's prayer for bail was rejected on merits by a co-ordinate Bench on December 20, 2023, in CRM (DB) 4562 of 2023.

5. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
6. The application being CRM (DB) 1539 of 2024 is accordingly dismissed.
7. However, we cannot lose sight of the paramount importance of a citizen's fundamental right to personal liberty and speedy trial. Considering the period of incarceration of the petitioner, we direct the learned Trial Court to expedite the trial and conclude the same at an early date and definitely within a period of eight months from the next date fixed for recording of evidence.
8. We clarify that if the trial is not concluded within the time period indicated hereinabove, the petitioner will be at liberty to renew his prayer for bail.
9. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)