

D/L. 41.
13.06.2024.
MNS/MB

CRM (DB) 1575 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.05.2024 in connection with Dholahat Police Station Case No. 304 of 2021 dated 13.08.2021 under Sections 120B/302/201/34 of the Indian Penal Code.

And

In the matter of: Monowar Hossain Paik @ Manowar Paik @ Munna Paik

.... Petitioner

Mr. Santanu Deb Roy,
Mr. Dipankar Guha

... for the petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Asraf Mondal

... for the State.

Mr. Soumyajit Das Mahapatra,
Ms. M. Sinha

...for the defacto complainant.

The petitioner is one of several accused persons. The charge is of murder. He says that he is in custody for two years and ten months. The trial has not progressed appreciably. It is anybody's guess as to when the trial shall conclude. He should not be kept in incarceration indefinitely. He prays for bail.

Learned Advocate for the State as also learned Advocate representing the defacto complainant strongly oppose the petitioner's prayer for bail. They say that the petitioner is the principal accused. There is sufficient incriminating material against him. Our attention is drawn to the relevant evidence in the case diary. They say that PW 4 is

in the process of cross-examined. There are thirty-nine charge sheeted witnesses.

Having considered the facts and circumstances of the case and the materials on record, as also the gravity of the offences, we are not inclined to allow the petitioner's prayer for bail at this stage.

CRM(DB) 1575 of 2024 is, accordingly, dismissed.

However, since we cannot also lose sight of the importance of the concept of personal liberty as enshrined in Article 21 of the Constitution of India and, therefore, cannot permit the petitioner to be kept in custody for an indefinite period of time, we direct the learned Trial Court to conclude the trial at the earliest and definitely within a period of eighteen months from the next date fixed for recording of evidence, without granting unnecessary adjournment to either party.

We further made it clear that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)