

17. 02.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1664 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: - **Atul @ Gouranga Mondal** ...petitioner.

Mr. Snehansu Majumder ...for the petitioner.

Mr. Bibaswan Bhattacharya
Ms. Pinky Sarkar ...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. The petitioner renews his prayer for bail which was earlier rejected on merits by a co-ordinate Bench, on August 8, 2023, in CRM (DB) 3110 of 2023.
3. Learned Advocate for the petitioner says that the petitioner is in custody for about 500 days. On the ground of delay, his prayer may be allowed.
4. We find from the case diary that there is sufficient incriminating material against this petitioner. The offending weapon and portion of the booty were recovered from this petitioner. Since the last rejection there is no change of circumstances. Therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The application being CRM (DB) 1664 of 2024 is accordingly dismissed.
6. 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.
7. 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.
8. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)