

14.06.2024
Item no. 34.
Court No.28.
AB
(Rejected)

CRM (DB) 1715 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.601 of 2022 dated 10.10.22 under Sections 341/320 of the Indian Penal Code

And

In the matter of : Sahidulla Gazi

.....Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. S. W. Faruqui
Mr. J. Talukdarfor the Petitioner.

Ms. Z. N. Khan
Ms. Mamata Janafor the State.

Mr. Ansuman Chakraborty
.....for the Defacto complainant.

The petitioner renews his prayer for bail, which was rejected earlier by this Bench by an order dated 23.06.2023 passed in CRM (DB) 2515 of 2023.

Since the last rejection, there has been no change of circumstances. However, the petitioner says that after framing of charge in July, 2023, not a single witness has been examined till date. He has already been in custody for one year and eight months. It is anybody's guess when the trial will conclude. He should be enlarged on bail.

Learned Advocates for the State and the defacto complainant oppose the prayer for bail. It is stated that July 1, 2024 has been fixed as the date for recording of evidence.

As recorded in the previous order of rejection, the charge is of murder and there is at least one eyewitness. Hence, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1715 of 2024 is dismissed.

However, since personal liberty is a fundamental right and the same cannot be kept in abeyance indefinitely, we direct the learned Trial Court to expedite the trial and conclude the same within a year from the next date fixed for recording of evidence.

We make it clear that if the trial is not concluded within the time period as indicated above, the petitioner will be entitled to renew his prayer for bail.

Let this order be communicated by the parties 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.)

