

26.06.2024
Item no. 36.
Court No.28.
AB
(Rejected)

CRM (DB) 1736 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dattapukur P. S. Case No.916 of 2022 dated 27.9.2022 under Sections 302 of the Indian Penal Code

And

In the matter of : Raja Mondal alias Babu

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Saha

.....for the Petitioner.

Mr. Suman De,
Ms. Trina Mitra

.....for the State.

The petitioner renews his prayer for bail which was rejected earlier by a Coordinate Bench by an order dated November 28, 2023, passed in CRM (DB) 4260 of 2023.

The charge is of murder. The petitioner, however, says that he had no intention of murdering anybody or even causing grievous bodily harm. The alleged incident occurred in the heat of the moment. He is in custody for about one year and eight months. Charge was framed on February 23, 2024. Thereafter several schedules for examination were fixed but not a single witness has been examined till date.

Learned Advocate for the State says that there was no laches on the part of the prosecution. The delay, if any, is due to systemic reasons. The P.O. was on leave for quite some time. Then there were general elections. He says that July 9 to 11,

2024, have been fixed as dates for recording of evidence. All efforts will be made to expedite the trial.

We are conscious that the petitioner is in custody for quite some time. However, prima facie there is incriminating evidence against him. The charge is serious. Hence, we are not inclined to entertain the prayer of the petitioner, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1736 of 2024 is dismissed.

However, we direct the learned Trial Court to expedite the trial to the fullest and ensure that the same is concluded at an early date.

The parties shall communicate this order 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.)