

20.06.2024  
Item no.39.  
Court No.28.  
S. De  
(Rejected)

**CRM (DB) No. 1768 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

**In the matter of : Swadesh Biswas @ Swadesh Ranjan Biswas.**

**.....Petitioner.**

Mr. Arnab Chatterjee,  
Mr. Dhanasree Biswas,  
Ms. Poulami Bose,

.....for the Petitioner.

Mr. Sudip Kumar,  
Ms. Payel Ghosh,

...for the State.

The petitioner renews his prayer for bail which was rejected twice earlier, lastly on April 5, 2024.

The petitioner says that he is in custody for about 4 years and 6 months. There is no possibility of the trial concluding at an early date. In view of his fundamental right to personal liberty as enshrined in Article 21 of the Constitution of India and his right as a citizen to receive speedy justice, he should be enlarged on bail.

Learned advocate for the State vehemently opposes the prayer for bail. He draws our attention to the material in the case diary and the evidence of witnesses recorded so far.

There is sufficient material to show that the petitioner committed the murder. Hence, we are not inclined to allow this application, at this stage.

CRM (DB) 1768 of 2024 is dismissed.

However, at the same time, we cannot be unmindful of the petitioner's right to personal liberty under the Constitution of India. A trial cannot be kept pending for an indefinite period of time and no undertrial can be kept incarcerated for a lengthy period of time only because there is delay in conclusion of the trial, especially when it is not demonstrated that the accused is responsible for such delay. We direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same at the earliest and in any event within a year from the next date fixed for recording of evidence. We clarify that in the event the trial is not concluded within the aforesaid time period, 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.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**