

20.06.2024
Item no.41.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1770 of 2024

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

And

In the matter of : Shivam Shaw.

.....Petitioner.

Mr. Sanjib Mitra,

.....for the Petitioner.

Mr. Joydeep Roy,

Ms. Paramita Sahu,

...for the State.

This is the fourth application for bail filed by the petitioner. The last rejection of his prayer was on October 13, 2023 in CRM (DB) 3995 of 2023.

The petitioner says that he is in custody for about 2 years and 2 months. There is no likelihood of the trial concluding at an early date. There is no eye-witness of the alleged incident. The entire case is based on circumstantial evidence. He prays for bail.

Learned advocate for the State opposes the prayer. He points out the material in the case diary. He says that even circumstantial evidence may be the basis for conviction and the same cannot be brushed aside. The petitioner mercilessly slit the throat of the victim lady in connection with a loan transaction.

We have considered the facts and circumstances and the material on record. Prima facie, there is sufficient material to incriminate the petitioner who, if, convicted will be sentenced to life imprisonment mandatorily. Therefore, we are not inclined to allow the prayer for bail.

CRM (DB) 1770 of 2024 is dismissed.

However, since the petitioner has been in custody for an appreciable period of time, we request the learned Trial Court to expedite the trial to the fullest extent and bring the same to its logical conclusion at the earliest and preferably within a period of 18 months from the next date fixed for recording of evidence without granting any unnecessary adjournment to either of the parties.

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.)