

22.
Court
No.28

02.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1779 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Ballygunj Police Station Case No. 15** dated **30.01.2011**.
And
In the matter of: - **Abhishek Shaw @ Kallo @ Vicky**.

Ms. Trina Mitra, Adv. (High Court Legal Aid)
...for the petitioner.

Mr. Debasish Roy, Ld. PP,
Mr. Bitasok Banerjee, Adv.
...for the State.

The State has filed a list of dates pursuant to our earlier direction. It appears that the matter was heard before the Trial Court on 124 dates. Witnesses could be examined on 54 dates. The matter was adjourned at the instance of the prosecution on six occasions. Adjournment had to be granted at the instance of the defence on twenty three occasions.

We are conscious that the petitioner has been in custody for a very long period of time. However, the charges are grave. The case involves double murder and dacoity. We are told that 18 out of 34 charge-sheet named witnesses have already been examined.

Learned Public Prosecutor says, on instruction, that five more witnesses will be examined by the prosecution. The trial may be concluded at an early date. There is more than sufficient

incriminating material against the petitioner who had fled from the country after the alleged incident occurred.

Learned Advocate for the petitioner, primarily harps on the lengthy detention of the petitioner. She says that the petitioner should be immediately released on bail on whatever conditions this Court may decide.

On an overall consideration of the facts and circumstances of the case and the incriminating material on record, we are not inclined to grant bail to the petitioner. There is chance of the petitioner absconding if we release him on bail. In the event the petitioner is convicted, a mandatory sentence of at least life imprisonment will be imposed on him.

The prayer for bail is rejected.

The application being CRM (DB) 1779 of 2024 is accordingly dismissed.

However, we direct the learned Trial Court to expedite the trial to the utmost and conclude the same at the earliest and definitely within two months from the next date fixed for recording of evidence.

We clarify that in the event the trial is not concluded within the time period indicated hereinabove, the petitioner shall be entitled to renew his prayer for bail.

This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)