

02.07.2024
Item no. 47.
Court No.28.
AB
(Rejected)

CRM (DB) 1890 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon P.S. Case No.359 of 2022 dated 9.4.2022 under Sections 498A/304B/302 34 of the Indian Penal Code

And

In the matter of : Rajat Sen @ Rajat Baran Sen @ Basi & Anr.

.....Petitioners.

Mr. S. Bhattacharyafor the Petitioners.

Mr. Joydeep Roy,
Mr. Arani Bhattacharyafor the State.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,
Ms. Dhanasree Biswasfor the Defacto complainant.

The petitioners renew their prayer for bail, which was lastly rejected by an order dated January 11, 2024, passed by a Coordinate Bench in CRM (DB) 69 of 2024.

The petitioners say that they are in custody for about two years two months. Only 3 out of 13 witnesses have been examined. There is no chance of an early conclusion of the trial. The mother in law of the victim lady has been enlarged on bail. They are similarly circumstanced. They should be granted bail.

Learned Advocates for the State and the defacto complainant, while opposing the prayer for bail, draw our attention to the material in the case diary. We find from statements of witnesses recorded that there is sufficient prima

facie incriminating evidence against these petitioners. It cannot be said that they are similarly circumstanced as the mother-in-law of the victim lady, who has been granted bail.

In view of the available material against the petitioners, we are not inclined to allow their prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1890 of 2024 is dismissed.

However, keeping in mind that the petitioners have been in custody for two years and two months, we direct the learned Trial Court to expedite the trial and conclude the same as early as possible and positively within six months from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties.

We clarify that in the event the trial is not concluded within the time period as indicated above, the petitioners will be at liberty to renew their prayer for bail.

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.)

