

26.06.2024
Item no. 57.
Court No.28.
AB
(Rejected)

CRM (DB) 1867 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P. S. Case No.168 of 2021 dated 6.4.2021 under Sections 341/326/307/302/34 of the Indian Penal Code read with Section 3 /4 of the Explosive Substance Act and 25/27 of the Arms Act

And

In the matter of : Sahin Sk.

.....Petitioner.

Mr. Shataroop Purokayastha
Mr. Hamidur Rahaman
Ms. Jagriti Bhattacharyafor the Petitioner.

Mr. Subhomoy Bhattacharya,
Mr. Nirupam Dhalifor the State.

Mr. Tapodip Guptafor the Defacto complainant.

The petitioner is one of several accused persons. Various Sections of IPC including Sections 302/307/326 have been invoked. Sections 3/4 of the Explosive Substances Act, 1908, and Sections 25/27 of the Arms Act have also been invoked.

The petitioner says that it was a case of a village scuffle between two groups, which arose in relation to a dispute over a goat, which went over from the owner's land to the neighbour's land. A free fight followed between two groups. Several people suffered injury. Two of them succumbed to the injury. The petitioner has no specific role in the incident. He is in custody

for close to two years. 18 out of 26 witnesses have already been examined. None of them have assigned any specific role to the petitioner in the alleged incident. He prays for bail.

While opposing the prayer for bail, learned Advocate for the State as also learned Advocate for the defacto complainant point out that there are statements of witnesses recorded under Section 164 Cr.P.C. specifically implicating this petitioner. The prime witness, who is one of the injured persons, is yet to be examined. However, since 18 out of 26 witnesses have already been examined, a time period may be specified within which the trial may be concluded. The petitioner's prayer should not be granted, at this stage.

We find that there is prima facie incriminating evidence against the petitioner. The trial is at an advanced stage. Hence, we are not inclined to entertain the prayer of the petitioner for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1867 of 2024 is dismissed.

However, since the petitioner is in incarceration for almost two years and the importance of the fundamental right to personal liberty and speedy trial cannot be undermined, we direct the learned Trial Court to expedite the trial to the fullest and conclude the same at the earliest and definitely within six months from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties.

We make it clear that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his 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.)