

CRM (DB) 1896 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Canning Police Station** Case No. **494 of 2021** dated **25.11.2021** under Sections **302/120B/201/212** of Indian Penal Code and Sections 27/35 of the Arms Act.

- A n d -

In the matter of : Saiful Laskar

.... Petitioner.

Mr. Tapan Dutta Gupta,
Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Mr. Madhusudan Sur, Ld APP,
Ms. B. Chatterjee,

... For the State.

The petitioner renews his prayer for bail. Such prayer was rejected earlier on a number of occasions. His bail prayer was also rejected by the Hon'ble Apex Court by its order dated February 19, 2024. The Hon'ble Apex Court had noted the submission made on behalf of the State that the trial would be concluded within a period of four months. Accordingly, the Hon'ble Apex Court refused to interfere.

The petitioner says that four months have elapsed. Evidence is still continuing. He is in custody for two years and seven months. He should be immediately enlarged on bail.

Learned Advocate for the State strongly opposes the prayer for bail. He says that eight witnesses have already been examined after the order of the Hon'ble Apex Court. Four witnesses are

scheduled to be examined on July 25/26, 2024. A few more witnesses will be examined at the most. The trial may be concluded at an early date. There is sufficient incriminating evidence against the petitioner. His prayer for bail should be disallowed.

We have considered the rival contentions of the parties. While we are aware that a citizen's right to personal liberty and speedy trial is a fundamental right of paramount importance and that the petitioner herein in incarceration for about two year and seven months, we shall also have to see the quality of evidence that is on record and the gravity of the alleged offence. Prima facie, we find that there are sufficient incriminating materials against this petitioner. The charge is very grave.

In view of the above, we are not inclined to allow the petitioner's prayer for bail at this stage.

CRM (DB) 1896 of 2024 is, thus, dismissed.

However, considering the lengthy detention of the petitioner, we direct the learned Trial Court to expedite the trial to the maximum extent possible and conclude the same at an early date and positively within six months from the next date fixed for recording of evidence. No unnecessary adjournments shall be granted to either of the parties. Frequent schedules for examination of witnesses should be framed if necessary.

In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)