

65.
Court
No.28

05.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1959 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Borjora P.S. Case No. 47/2022 dated 18.03.2022.
And

In the matter of: - **Sagar Ghosh**

Mr. Subhas Chadra Atha, Adv.,
Ms. Payel Pramanik, Adv.

...for the petitioner.

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.,
Ms. Sana Naaz, Adv.

...for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner submits that he is in custody for about 822 days. There is no chance of early conclusion of the trial of this case, since out of 53 witnesses, only 20 witnesses have been examined. He prays for bail on the ground of delay in progress of the trial.

Learned Counsel appearing for the State has raised strong objection to the bail prayer. He states that there are sufficient incriminating materials against the present petitioner. Furthermore, out of 53 witnesses, the prosecution has already examined 20 witnesses. The said witnesses have directly deposed in support of the involvement of the present petitioner.

After going through the material in the case diary it appears that involvement and complicity of the present petitioner in the heinous crime cannot be ruled out.

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

Therefore, the prayer for bail is rejected.

The application being CRM (DB) 1959 of 2024 is accordingly dismissed.

However, the learned Trial Court is directed to conclude the trial and bring the same to its logical conclusion as early as possible and preferably within 12 months from the next date fixed for recording of evidence.

We clarify that if the trial is not concluded within the time period indicated hereinabove, the petitioner shall be at liberty 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.)