

19.07.2024
Item no. 46.
Court No.28.
AB
(Rejected)

CRM (DB) 2002 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.566 of 2021 Dated 10.8.2021 under Section 395/397/412 of the Indian Penal Code

And

In the matter of : Nitya Barai @ Baray

.....Petitioner.

Mr. Sumanta Dasfor the Petitioner.

Mr. Bitoshok Banerjee
Ms. Suruchi Sahafor the State.

The petitioner renews his prayer for bail, which was rejected earlier twice on merits on August 16, 2022 and April 17, 2023. On September 15, 2023, the petitioner did not press his application for bail.

The petitioner prays for bail on the ground of his lengthy detention of about 2 years 8 months. He says that 6 out of 17 witnesses have been examined. Conclusion of the trial will take a long time.

Learned Advocate for the State points out from the material in the case diary that there is sufficient incriminating material against this petitioner. The petitioner was identified in the TI Parade. He is a habitual offender. Similar cases are pending against him. A time period may be prescribed within which the trial will conclude.

Considering the prima facie incriminating material against this petitioner and also keeping in mind the gravity of the alleged offence, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 2002 of 2024 is dismissed.

However, considering the lengthy detention of the petitioner, we direct the learned Trial Court to expedite the trial to the utmost and conclude the same as early as possible, but positively 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 herein, 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.)

