

37.
Court
No.28

19.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1978 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chandrapur P.S. Case No. 20/2023 dated 12.04.2023.
And

In the matter of: - **Narendranath Mardi**

Mr. Saryati Datta, Adv.,
Mr. Sanjib Kumar Dan, Adv.,
Mr. Chitrak Biswas, Adv.

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. Sanjana Saha, Adv.

...for the State.

The charge is under Section 409 of the Indian Penal Code. The petitioner used to work as *Grameen Dak Sevak*. The allegation is that he has defalcated public money to the tune of Rs.2.75 lakh.

The petitioner says that he in custody for about one year and one month. Witness action has not yet begun. There are 40 witnesses named in the charge-sheet. The trial will take a long time to conclude. He should be granted bail.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention the material in the case diary. There is sufficient *prima facie* incriminating material against the petitioner. He was a public servant. Breach of trust by a public servant is to be seriously dealt with.

In view of the *prima facie* incriminating evidence against the petitioner, we are not inclined to entertain his prayer for bail, at this stage.

Therefore, the prayer for bail is rejected.

The application being CRM (DB) 1978 of 2024 is accordingly dismissed.

However, considering that the petitioner has been in custody for more than one year, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as early as possible but positively within a year from the next date fixed for recording of evidence.

This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)