

63.
Court
No.28

05.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1951 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 Bhutni P.S. Case No. 14/2021 dated 06.02.2021.

And

In the matter of: - **Ghanashyam Mandal**

Mr. Amitabha Karmakar, Adv.,
Mr. Arup Kr. Bhowmick, Adv.

...for the petitioner.

Mr. Avishek Sinha, Adv.,
Ms. Sima Biswas, Adv.

...for the State.

The petitioner says that he was granted bail by the learned Trial Court when he was in custody for about 67 days. Such bail order was challenged by the *de facto* complainant before the High Court by way of a criminal revisional application. By an order dated February 28, 2022, passed in CRM 6519 of 2021, a co-ordinate Bench of this Court cancelled the bail. The petitioner was taken into custody thereafter. Since then, for about 2 years and 5 months the petitioner has been in custody. Only three out of twenty witnesses have been examined. There is no possibility of an early conclusion of the trial. He should be enlarged on bail.

Learned Advocate for the State, while opposing the prayer for bail, points out from the case diary that there are at least five

eyewitnesses who have named this petitioner as one of the assailants who killed the victim by chopping him with a sickle.

In view of the *prima facie* incriminating evidence against the petitioner, although he is in custody for quite some time, 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) 1951 of 2024 is accordingly dismissed.

However, keeping in mind that a citizen's fundamental right to personal liberty and speedy trial, as contemplated under Article 21 of the Constitution of India, is of utmost importance, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same as soon as possible and positively within a year from the next date fixed for recording of evidence. If necessary, frequent schedules of 3/4 dates for examination of witnesses will be fixed. No unnecessary adjournments will be granted to either of the parties.

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.)