

50.
Court
No.28

04.07.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1997 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: - **Bablu Dhali**

Mr. Pronojit Roy, Adv.,
Mr. Ashutosh Mondal, Adv.

...for the petitioner.

Ms. Minoti Gomes, Adv.,
Mr. Jisan Iqbal Hossain, Adv.

...for the State.

The petitioner renews his prayer for bail which was rejected twice earlier. At the time of rejecting his second application for bail, by an order dated July 3, 2023, passed in CRM (DB) 2421 of 2023, a co-ordinate Bench had requested the learned Trial Court to conclude the trial at an early date, preferably within six months from the next date fixed for recording of evidence without granting unnecessary adjournments to either of the parties.

Learned lawyer for the petitioner says that in spite of the aforesaid direction, the same has had no effect on the trial which is still pending.

Learned State Counsel says that the last witness i.e., the Investigating Officer, has already been examined-in-chief. He

only remains to be cross-examined. August 16, 2024 has been fixed as the date for such cross-examination.

From the records we find that there is sufficient incriminating evidence against the petitioner. At this stage, when the trial is about to conclude, we are not inclined to grant bail to the petitioner.

Therefore, the prayer for bail is rejected.

The application being CRM (DB) 1997 of 2024 is accordingly dismissed.

However, considering that the petitioner has been in incarceration for three years, we direct the learned Trial Court to conclude the trial by delivering judgment positively by the end of August, 2024, if necessary, by pre-poning the date for cross-examination of the last witness.

In the event the trial is not concluded within the time period indicated above, the petitioner will be entitled 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.)