

10.07.2024
Item no.51.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 2009 of 2024

In Re: An Application for Bail under Section 439 of the
Code of Criminal Procedure.

And

In the matter of : Md. Hafijul Islam @ Hafijul Sk.

.....Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter,
Ms. Neha Roy,

.....for the Petitioner.

Mr. Samirul Sardar,
Mr. Sumanta Chakraborty,
Mr. Saikat Pal,

...for the de facto complainant.

Ms. Amita Gaur, Ld. SGA
Ms. Pritha Paul,

...for the State.

The petitioner says that he is in custody for 3
years 7 months. Purely on the ground of delay in
progress of the trial, he should be enlarged on bail.

We have seen the material-on-record as has
been placed before us by learned advocate for the
State. There is sufficient incriminating evidence
against this petitioner. There are statements recorded

under Section 164 Cr.P.C. to the effect that the petitioner struck the victim with a hammer on his head which resulted in his death.

Learned advocate for the de facto complainant has placed before us depositions of witnesses so far recorded by the learned Trial Court. At least 2 of the eye-witnesses have deposed that it was this petitioner who dealt the fatal blow to the victim.

It is true that personal liberty and right to speedy trial of a citizen is of paramount importance. But the same, in so far as an under-trial in custody is concerned, have to be balanced against the quantum and quality of incriminating evidence that is available against that under-trial. In the present case, although the petitioner has been detained in custody for quite a long period of time, the evidence against him is overwhelming. We are not inclined to grant bail to him, at this stage.

CRM (DB) 2009 of 2024 is dismissed.

We are told that 9 out of 26 witnesses have been examined. We direct the learned Trial Court to expedite the trial to the fullest extent possible and

conclude the same as soon as possible but positively within a year from the next date fixed for recording of evidence. No unnecessary adjournment will be granted to either party. If necessary, frequent schedules for examination will be fixed by the learned Trial Court.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

Let this order be communicated by the parties 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.)