

Item No.25
Ct.No.34
dc.

C.R.M. (SB) 142 of 2023

In Re : An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

And

In Re : **Bikash Bose** ... Petitioner.

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee ... For the Petitioner.

Md. Anwar Hossain ... For the State.

Mr. Shekhar Barman ... For the Opposite Party No.2.

The petitioner/de facto complainant is aggrieved by the act and conduct of the accused against whom charge-sheet has been submitted on 20.05.2023 in connection with Madhyamgram Police Station Case No. 734 of 2021 dated 20.11.2021.

I have considered the order of bail which has been passed. Although it would have been fit and proper in the circumstances to check the case diary before confirming the bail order, but due to the passage of more than two years time, I am not inclined to interfere with the order of bail which has been passed by learned Additional Chief Judicial Magistrate (I/C), Barasat. It has been informed that the said case is still pending before the learned Additional Chief Judicial Magistrate, Barasat.

In view of the aforesaid, I direct that if the learned Additional Chief Judicial Magistrate, Barasat has already fixed any date, he would prepone the said date and overcome the stage of consideration of charges in connection with the instant case in the month of August, 2024. After

consideration of charges, if the learned Magistrate is of the opinion that trial of the case is to be proceeded with, in that case the learned trial court would fix one date in every fortnight so that trial of the case can be taken to its logical conclusion within a reasonable period of time. No unnecessary adjournment be granted to either of the parties and if any mode and manner of delay is adopted by the accused, it would be the exclusive domain of the learned trial court to impose stringent conditions, modify the order of bail or cancel the bail at any stage of the trial.

With the aforesaid observations, the application being CRM (SB) 142 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)