

19. 02.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2080 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 Bolpur P.S. Case No. 346/2021 dated 18.9.2021.

And

In the matter of: - **Nirmal Kumar Sinha**

...petitioner.

Mr. Sanjib Kr. Dan
Mr. Saryati Datta
Mr. Chitrak Biswas

...for the petitioner.

Mr. Bibaswan Bhattacharya
Ms. Debjani Sahu

...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. We find from the report that the prosecution intends to examine about 41 witnesses out of 79 charge-sheet named witnesses.
3. The petitioner complains that the trial has not even started. Not a single witness has been examined. He is in custody for 235 days. He prays for bail.
4. We find from the records that there is *prima facie* involvement of this petitioner. He was absconding for about two and half years, as a result of which, we are told that although two witnesses had already been examined by the prosecution, the

witness action had to be started afresh. Therefore, the delay can be attributed to some extent to the petitioner as well.

5. Considering the *prima facie* incriminating material against the petitioner and the seriousness of the charge against him, we are not inclined to enlarge the petitioner on bail, at this stage.
6. The application being CRM (DB) 2080 of 2024 is accordingly dismissed.
7. However, we direct the learned Trial Court to expedite the trial to the fullest extent possible so that the same can be concluded at an early date and preferably within a year from the next date fixed for recording of evidence.
8. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)