

14.08.2024
Item no. 36.
Court No.28.
AB
(Rejected)

CRM (DB) 2107 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Khardah Police Station Case No.191 Dated 13.3.2022 under Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act

And

In the matter of : Jiyarul MondalPetitioner.

Mr. Surojit Basu,
Ms. Jasika Alamfor the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Atanu Ghoshfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for two years and three months. Only 18 out of 36 witnesses have been examined. In spite of directions of this Court for expeditious disposal of the trial, the same has not been done. It is anybody's guess as to when the trial will conclude. He should be granted bail.
2. Learned Advocate for the State draws our attention to the depositions of witnesses already examined. Some of them clearly implicate this petitioner and highlight the role that he played in the alleged crime.
3. It is true that the petitioner is in custody for quite a long period of time. However, we have to balance this factor of long detention along with other factors like the quantum and quality of incriminating evidence.

There is sufficient incriminating material against this petitioner.

4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
5. The prayer for bail is, accordingly, rejected.
6. CRM (DB) 2107 of 2024 is dismissed.
7. However, in view of the long detention of the petitioner, 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 positively within a year from the next date fixed for recording of evidence.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)