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22-07-2024
(ct. no.28)
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(Rejected)

CRM (DB) 2150 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure

- A n d -

In the matter of : Milan Ojha.

.... Petitioner.

Mr. Angshuman Chakraborty,

... For the Petitioner.

Ms. Juin Dutta Chakraborty,

Mr. B. Modak,

... For the de facto complainant.

Ms. Minoti Gomes,

Mr. D. Ghorai,

...for the State.

Order dictated by Arijit Banerjee, J.

The petitioner says that he is in custody for 2 years 11 months. For the last one year three months there has been no examination of witnesses. His right to personal liberty and speedy trial is being completely negated. He prays for bail.

While opposing the prayer for bail, learned advocate for the State draws our attention to the deposition of the victim girl, about 6 years old, recorded before the learned Trial Court. She clearly narrates the heinous incident of sexual assault.

In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

CRM (DB) 2150 of 2024 is dismissed.

However, we cannot be oblivious of a citizen's fundamental right to speedy trial and personal liberty as enshrined in Article 21 of the Constitution of India. We are told that the prosecution will examine two more witnesses.

We direct the learned trial Court to conclude the trial as soon as possible but definitely within a period of three months from the next date fixed for recording of evidence. The State will ensure that the remaining prosecution witnesses are produced before the learned Trial Court on the next date.

We clarify that if 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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)