

21. 27.08.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2217 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 Bowbazar P.S. Case No. 129/2022 dated 14.07.2022.

And

In the matter of: - **Irshad Ashraf Ansari @ Irshad Ashraf**
...petitioner.

Mr. Md. Khairul
Mr. Abhishek Chakraborty
Mr. Sk. S. Ullah

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Ms. Kanchan Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. The allegation is of dacoity. The petitioner is one of three accused persons. About Rs. 10 Lakh was looted.
2. The petitioner says that he is in custody for two years and four months. Only six out of 39 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. He should be enlarged on bail only on the ground of delay in progress of trial.
3. Learned Additional Public Prosecutor, while opposing the prayer for bail, says that out of the total sum, about Rs.3 Lakh has been recovered from the possession of the petitioner. Three persons identified the petitioner in Test Identification (T.I.) parade. There is clinching evidence against

the petitioner. If enlarged on bail, it is likely that he will indulge in similar activities.

4. We have considered the material on record. We are conscious that the fundamental right to personal liberty and speedy trial that a citizen has is of paramount importance. However, the same has to be weighed and balanced against other factors including the quantum and quality of evidence that is available on record.
5. On an overall assessment of the facts and circumstances of the case and the material on record, we are not inclined to allow the petitioner's prayer for bail.
6. The application being CRM (DB) 2217 of 2024 is accordingly dismissed.
7. However, since the petitioner is in custody for a considerable period of time, we direct the learned Trial Court to spare no efforts to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
8. We clarify that if the trial is not concluded within the time period indicate hereinabove, the petitioner will be at liberty to renew his prayer for bail.
9. This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Bivas Pattanayak, J.)