

CRM (DB) 2190 of 2024

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

- A n d -

In the matter of : Sk. Idres @ Bhola @ Lambu Bhola @ Sk. Idris.
.... Petitioner.

Mr. Jaydeep Biswas,
Mr. Kaushik Ghosh, ... For the Petitioner.

Ms. Sreyasi Biswas,
Ms. Debjani Dasgupta, ...for the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated.
He has no connection with the alleged murder. He is in custody for about 6 years 7 months. He prays for bail on the ground of delay in progress of trial.
2. Learned advocate for the State while opposing the prayer for bail apprises us that the petitioner had been convicted in a case under Section 307 IPC, i.e. attempted murder. In the appeal preferred from such order of conviction, the sentence was suspended by the Division Bench and the petitioner was enlarged on bail. While on bail, he committed the present murder.
3. We have considered the facts and circumstances of the case as also the material in the case record. There prima facie appears to be incriminating material against the petitioner. There are eye-witnesses. Further, part of the delay in progress of trial is also

attributable to the petitioner whose counsel took several adjournments before the learned Trial Court.

4. Given the fact that the petitioner committed the alleged offence involved in this case while on bail and also in view of his prima facie involvement in the alleged crime in the present case, we are not inclined to allow the petitioner's prayer for bail.
5. CRM (DB) 2190 of 2024 is dismissed.
6. However, since the petitioner is in custody for a very long period of time, the trial must be expedited. We are told that there are 52 witnesses. 6 witnesses have been examined. Learned advocate for the State on instruction says that prosecution proposes to examine 17 more witnesses.
7. We direct the learned Trial Court to expedite the trial to the fullest extent possible and complete the same as soon as possible but positively within 1 year from the next date fixed for recording of evidence, if necessary by fixing frequent schedules as may be required for conclusion of the trial within the time period indicated above.
8. We clarify that if the trial is not completed within the time period prescribed hereinabove, the petitioner may renew his prayer for bail.

9. Let this order be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)