

17. 22.08.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2235 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 Kaliachak P.S. Case No. 1179/2022 dated 13.10.2022.

And

In the matter of: - **Md. Kurban Sk @ Rajib**

Mr. Amal Krishna Samanta
Mr. Partha Pratim Das
Ms. Debadrita Mondal
Mr. Md. Wasim Akram
...for the petitioner.
...for the State.
...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on merits by a co-ordinate Bench on January 29, 2024, in CRM (DB) 241 of 2024. There is no change of circumstances since then. We also see that two other criminal cases for similar offences are pending against the petitioner. Hence we are not inclined to allow this application for bail.
2. The application being CRM (DB) 2235 of 2024 is accordingly dismissed.
3. However, the petitioner is in custody for one year and 10 months. Witness action has not yet begun. A citizen's fundamental right to personal liberty and speedy trial cannot be lost sight of. We direct the learned Trial Court to expedite

the trial and conclude the same at an early date and definitely within 18 months from the date of communication of this order by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)