

11.
Court
No.28

05.09.2024
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2274 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 Raiganj P.S. Case No. 844/2021 dated 28.9.2021.

And

In the matter of: - **Shital Roy @ Shital Kumar Roy @ Papan Roy @ Papon Roy**

...petitioner.

Mr. Navanil De
Mr. Srijan Ghosh

...for the petitioner.

Ms. Subhasree Patel
Mr. Ronit Mukherjee

...for the State.

Mr. Amit Roy
Mr. Koushik Choudhary

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on more than one occasion, lastly on February 27, 2023, in CRM (DB) 779 of 2023.
2. The petitioner says that he is in custody for about two years and 11 months. Only 13 out of 27 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. On the ground of delay in progress of trial, he prays for bail.
3. While opposing the prayer for bail, learned Advocates for the State and the *de facto* complainant point out from the material in the case diary that there are eyewitnesses

including injured eyewitnesses implicating this petitioner in the offence of murder.

4. While right to personal liberty and right to speedy trial of a citizen are of utmost importance, the same have to be balanced against other factors. In the present case, there are strong incriminating materials against the petitioner. It cannot also be said that trial has not progressed at all.
5. In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail.
6. The application being CRM (DB) 2274 of 2024 is accordingly dismissed.
7. However, keeping in mind the prolonged incarceration of the petitioner, we direct the learned Trial Court to spare no efforts to expedite the trial and conclude the same at the earliest and definitely within eight months from the next date fixed for recording of evidence.
8. This order shall be communicated by the parties and the learned Registrar General of this Court to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)