

20.
Court
No.28

19.08.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1139 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ 483 BNSS, 2023 in connection with Malda P.S. Case No. 573/2022 dated 12.12.2022.
And

In the matter of: - **Ismail**

Mr. Avinaba Patra

Mr. Shekhar Barman

...petitioner.
...for the petitioner.
...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. The petitioner renews his prayer for bail which was rejected earlier by a co-ordinate Bench. He says that he is in custody for about one year and eight months. Only eight out of 23 witnesses have been examined. The next schedule is fixed on September, 2024. He prays for bail.
3. Learned Counsel for the State draws our attention to the material in the case diary and to the depositions of witnesses already examined. He strongly opposes the prayer for bail.
4. We find that on an application for bail filed by a co-accused being CRM (NDPS) 1726 of 2023, by an order dated October 18, 2023, a co-ordinate Bench, while rejecting the prayer for bail, directed the Trial Court to conduct the trial with utmost expedition and conclude the same at an early date

preferably within one year from the next date fixed for recording evidence.

5. It is fairly submitted by learned Counsel for the petitioner that the said order was placed before the learned Trial Court on January 18, 2024. Therefore, we should compute the period of one year from that date.

6. From the material and the evidence on record, there appears to be *prima facie* involvement of the petitioner in the alleged crime. Therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage.

7. The application being CRM (NDPS) 1139 of 2024 is accordingly dismissed.

8. However, keeping in mind that the petitioner has been in incarceration for a long period of time, we direct the learned Trial Court to expedite the trial and conclude the same at the earliest and definitely by the end of January, 2025.

9. We clarify that if the trial is not concluded within the time-period indicated hereinabove, the petitioner will be at liberty to renew his prayer for bail.

10. Parties are directed to communicate this order to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)