

30. 03.10.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2353 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 Bhawanipore P.S./DD Case No. 294/2022 dated 12.12.2022.

And
In the matter of: - **Debabrata Karmakar** ...petitioner.
Mr. Anand Keshari
Ms. Soumili Choudhury
Ms. Pubali Debnath ...for the petitioner.
Mr. Rudradipta Nandy, Ld. APP
Mr. Ranadeb Sengupta
Mr. Subhajit Chowdhury ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than one year and eight months. He was not even present at the place of occurrence at the time of the alleged dacoity. He has been implicated on the basis that on two days prior to the day when the incident took place, witnesses saw him in the company of other accused persons. The allegation is that he was part of the conspiracy. Nothing was seized from him. He prays for bail.
2. Opposing the prayer for bail, learned Additional Public Prosecutor says that not only that this petitioner was seen conspiring with other accused persons at a Bar and in front of Science City, but also at the time when the crime was

being committed, this petitioner was in constant touch with one of the accused persons who pretended to be a CBI Officer. This petitioner is very much an integral part of the entire plan to commit dacoity. Rs.50 Lakh and gold ornaments were looted from the owner of the house. Six out of 97 charge-sheet named witnesses have been examined already after charge was framed in February, 2024. The delay in framing charge was also due to frivolous applications being taken out by the accused persons one after the other. If 8/10 months' time is granted, the prosecution will conclude the trial as the prosecution does not intend to examine all the charge-sheet named witnesses.

3. We have considered the material on record and the submissions made on behalf of the respective parties. There appears to be *prima facie* incriminating evidence against the petitioner. The allegation is serious. Although the petitioner is in custody for about one year and eight months, in view of the gravity of the offence, which if proved and the petitioner is convicted, may attract life imprisonment, we are not inclined to enlarge him on bail immediately. Hence the prayer for bail is rejected.
4. The application being CRM (DB) 2353 of 2024 is accordingly dismissed.
5. We direct the learned Trial Court to expedite the trial and conclude the same within ten months from the next date fixed for recording evidence. No unnecessary adjournment will be granted to either of the parties. If necessary, frequent

schedules of 2/3 days or more shall be fixed by the learned Trial Court.

6. In the event the trial is not concluded within the time-period indicated hereinabove, the petitioner will be at liberty to renew his prayer for bail.
7. The parties and the Registry of this Court will immediately communicate this order to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)