

31.
Court
No.28

03.10.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2336 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: - **Santu Molla @ Shantu Molla** ...petitioner.

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly
Mr. Kaustav Banerjee ...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Mr. Partha Pratim Das
Mr. Atanu Ghosh ...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has not been identified before the learned Trial Court at the time of deposition. Moreover, there was no Test Identification (T.I.) Parade regarding alleged recovery of gold ornaments from him. The petitioner is in custody for about one year and nine months and as such, he may be enlarged on bail on any condition that this Court may direct.
2. Learned Additional Public Prosecutor opposes the prayer for bail. According to him, though the wife of the *de facto* complainant failed to identify the petitioner at the time of her deposition, but she identified the petitioner in T.I. Parade. Moreover, the other witnesses have identified the present petitioner during their examination before the learned Trial Court. The recovered articles from the present petitioner were also identified by the wife of the *de facto* complainant at the

time of T.I. Parade. On such ground the petitioner's prayer for bail should be rejected.

3. We have gone through the materials on record and found that there are several incriminating materials against the petitioner. The present petitioner was identified by at least two witnesses being the *de facto* complainant and his daughter, at the time of their depositions.
4. Although the petitioner is in custody for about one year and nine months, in view of gravity of the offence, which, if proved and if the petitioner is convicted, may attract mandatory life imprisonment, we are not inclined to enlarge him on bail, at this stage. Hence the prayer for bail is rejected.
5. The application being CRM (DB) 2336 of 2024 is accordingly dismissed.
6. 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.
7. 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.
8. The parties and the Registry of this Court will immediately communicate this order to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)