

18. 29.08.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2348 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 Kakdwip P.S. Case No. 106/2022 dated 25.4.2022.

And

In the matter of: - **Sukhen Das @ Ganga**

Mr. Suman Chakraborty
Mr. Imran Ali
Ms. Trina Mitra
...for the petitioner.
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on merits on three occasions, lastly on July 25, 2023, in CRM (DB) 2757 of 2023.
2. The victim is a 4-year old girl. We have seen her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. She clearly narrated the heinous incident.
3. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
4. The application being CRM (DB) 2348 of 2024 is accordingly dismissed.
5. However, the petitioner is in custody for two years and three months. We are told that three out of 14 charge-sheet named witnesses have been examined.

6. An under-trial cannot be kept in incarceration indefinitely.

We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same within a period of six months from the next date fixed for recording of evidence, if necessary, by fixing frequent schedules for examination of witnesses.

7. 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.

8. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)