

12.
Court
No.28

03.09.2024
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2386 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 B. Garden P.S. Case No. 196/2020 dated 23.11.2020.

And

In the matter of: - **Jhantu Das**

...petitioner.

Mr. Navanil De
Mr. Sk. Toslim Ali
Mr. Srijan Ghosh

...for the petitioner.

Mr. Bitasok Banerjee
Mr. Abhishek Verma

...for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today be kept with the records.
2. The petitioner says that he is in custody for more than three years and nine months. Only four out of 16 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 State Advocate draws our attention to the material in the case diary.
4. We have seen the depositions of the two victim girls aged five years and seven years, respectively. They vividly narrated the heinous and culpable incident.

5. In view of such *prima facie* incriminating material and perverted act on the part of the petitioner, we are not inclined to entertain the petitioner's prayer for bail.
6. The application being CRM (DB) 2386 of 2024 is accordingly dismissed.
7. Learned State Advocate tells us that five out of 16 witnesses have been examined. We have to balance the importance of fundamental right of a citizen to personal liberty and speedy trial with the quantum and quality of incriminating material on record.
8. We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within one year from the next date fixed for recording of evidence.
9. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)