

02.09.2024
Item no. 89.
Court No.28.
AB
(Rejected)

CRM (DB) 2399 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nandakumar Police Station Case No.352 of 2022 Dated 23.09.2022 under Sections 302/201/120B/34 of the Indian Penal Code

And

In the matter of : Prasenjit Samanta Petitioner.

Mr. Navanil De,
Mr. Subhrajit De for the Petitioner.

Mr. Sudip Kumar
Ms. Sujata Das for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on merits by a Coordinate Bench on May 16, 2023.
2. The petitioner says that he is in custody for one year and eleven months. Only 5 out of 28 charge sheet named witnesses have been examined. It is anybody's guess as to when the trial will conclude. On the ground of delay in progress of the trial, he seeks bail.
3. Opposing the prayer for bail, learned State Counsel points out the material in the case diary.
4. We have seen the statement of the minor child of the victim. The petitioner is said to be the paramour of the victim's wife. We have also seen the post mortem report,

which prima facie supports the prosecution case. The material available on record prima facie indicates involvement of the petitioner in the alleged offence. Given the nature and gravity of the alleged crime, we are not inclined to allow the petitioner's prayer for bail.

5. The prayer for bail is, accordingly, rejected.
6. CRM (DB) 2399 of 2024 is dismissed.
7. However, keeping in mind the importance of a citizen's right to personal liberty and speedy trial and considering that the petitioner has been in custody for quite some time, 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.
8. The parties shall communicate this order to the learned Trial Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

