

47.
18-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2452 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Palashipara Police Station Case No.232 of 2018 dated 25-11-2018 under Section 302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Bibhash Biswas @ Bibhash Ch. Biswas
.... Petitioner.

Mr. Bibaswan Bhattacharyya,
Mr. Asraf Mandal

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Arfeen Begum

... For the State.

Mr. Arindam Jana,
Mr. Siddhartha Sankar Mandal

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Memo of evidence filed in Court be kept with the records.

The petitioner renews his prayer for bail which was rejected on several occasions. He renews his prayer primarily on the ground of delay in trial. He is in custody for 5 years 10 months.

Learned advocates for the State and the defacto complainant, while opposing the prayer for bail, draws our attention to the depositions of the witnesses so far examined by the learned trial Court. There are three eyewitnesses, all of whom specifically implicate this petitioner, who is the sole

accused in this case. 20 out of 22 witnesses have already been examined.

In view of the *prima facie* incriminating material against the petitioner, although he is in custody for a long period of time, we are not inclined to allow his prayer which was rejected earlier on five occasions.

However, keeping in mind the fundamental right of a citizen to personal liberty and speedy trial, we direct the learned trial Court to spare no efforts to expedite the trial and conclude the same by delivery of judgment at the earliest and positively by the end of November, 2024.

The application for bail being CRM (DB) 2452 of 2024 is **dismissed**.

Registry as well parties shall communicate this order to the learned trial Court forthwith.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)