

27.
27-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2456 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 Jorabagan Police Station Case No.37 of 2018 dated 08-04-2018 under Sections 395/397/120B of the Indian Penal Code and under Section 25(1B)(a) of the Arms Act.

- A n d -

In the matter of : Dindayal Sharma @ Dinu Pandit
.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Syed Wasim Faruque,
Mr. Jyotirmoy Talukder
... For the Petitioner.

Mr. Subhamoy Bhattacharya,
Mr. Aslam Parvez
... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected on merits on March 20, 2023. While rejecting his prayer, a coordinate Bench directed the learned trial Court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. The petitioner says that in spite of such direction, only 10 out of 30 charge sheet named witnesses have been examined. He is in custody for 5 years 3 months. He renews his prayer for bail primarily on the ground of delay in progress of trial.

Opposing the prayer for bail, learned State counsel says that the petitioner absconded for more than a year.

There is sufficient incriminating evidence against him. He is the prime accused involved in the case of dacoity. The prosecution intends to examine only seven more witnesses. The trial could be brought to an early conclusion.

Considering that the trial is at an advanced stage and there is *prima facie* incriminating evidence against this petitioner, in spite of his long incarceration, we are not inclined to allow his prayer for bail.

The application for bail being CRM (DB) 2456 of 2024 is, thus, **dismissed**.

However, since the petitioner is in custody for a very long period of time, we direct the learned trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date and definitely within six months from the next date fixed for recording evidence.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

Registry and the parties are directed to 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.)