

33. 27.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2559 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 Jagaddal P.S. Case No. 916/2019 dated 26.10.2019.

And

In the matter of: - **Suraj Tiwari**

...petitioner.

Mr. Angshuman Chakraborty

Mr. S.S. Saha

...for the petitioner.

Ms. Zareen Khan

Ms. Rita Datta

...for the State.

Mr. Ranjit Kr. Ghosh

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner's bail was cancelled because he breached the conditions of bail. He surrendered in October 2022. He says that he is in custody for about two years now. After framing of charge in December 2023, nothing has progressed. Co-accused persons, who stand on the same footing, are on bail. He prays for bail.
2. Learned Advocate for the State strongly opposes the prayer for bail. He says that a person, who breaches the conditions of bail, is not entitled to any indulgence. Although learned Counsel could not sufficiently explain the delay in progress of the trial, she said that a time-period may be fixed for conclusion of the trial.

3. We find that there are 13 charge-sheet named witnesses.
Prima facie there are incriminating material against this petitioner and other accused persons. However, although this petitioner may, to some extent, be similarly circumstanced as the other accused persons, since the petitioner jumped the conditions of bail, we are not inclined to show any lenience to him. Hence the prayer for bail is rejected.
4. The application being CRM (DB) 2559 of 2024 is accordingly dismissed.
5. However, considering the petitioner's lengthy detention, we direct the learned Trial Court to spare no efforts to expedite the trial and conclude the same at an early date without granting any unnecessary adjournment to either of the parties and by fixing frequent schedules.
6. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)