

56. 03.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2678 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 Joynagar P.S. Case No. 634 dated 04.11.2022.

And

In the matter of: - **Abu Syad Mondal @ Abu Said Mondal**
...petitioner.

Mr. Neelabha Bera
Mr. Bodhidipta Mandal
...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha
...for the State.

Ms. Sibangi Chattopadhyay
...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today be kept with the records.
2. The *de facto* complainant has been represented.
3. The petitioner renews his prayer for bail which was rejected earlier on merits on August 22, 2023, in CRM (DB) 2956 of 2023.
4. The petitioner says that he is in custody for one year and 10 months. Only two out of 14 witnesses have been examined. It is anybody's guess as to when the trial will conclude. He prays for bail on the ground of delay in progress of the trial.
5. While opposing the prayer for bail learned Advocates for the State and the *de facto* complainant draw our attention to the

statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973.

6. We have seen the statement of the survivor girl who was 13 years of age at the time of the alleged incident. She vividly narrated the heinous incident. The medical report corroborates the prosecution case.
7. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
8. The application being CRM (DB) 2678 of 2024 is accordingly dismissed.
9. However, since the petitioner is in incarceration for quite a long period of 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.
10. We clarify that if the trial is not concluded within the time period indicated hereinabove, the petitioner will be at liberty to renew his prayer for bail.
11. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)