

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3145 of 2024

In Re: - An application of bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Pawan Kumar @ Pavan Mondal.**
.....petitioner.

Mr. Md. Ashraf Ali,
Mr. Rafikul Islam Sarkar,
Mr. Sankar Banerjee
...for the petitioner.

Ms. Minoti Gomes,
Mr. Atulya Sinha
....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in this alleged case of dacoity. He was not identified in the Test Identification Parade. He is in custody for two years, one and half months. There is no likelihood of the trial concluding on an early date. He prays for bail.
2. Opposing the prayer for bail, learned State advocate draws our attention to the materials in the case-diary.
3. We have seen the Gait Pattern report, which was necessary because the accused persons were wearing masks. A part of the loot was recovered from the petitioner.

4. There appears to be sufficient incriminating materials, at least *prima facie*, against this petitioner. We further see that 26 out of 58 charge-sheet named witnesses have already been examined by the prosecution. The report that the State has filed today shows that the prosecution intends to examine 15 more witnesses. Therefore, we cannot say that there has been no progress in the trial. The charge is very serious in nature.
5. Hence, we are not inclined to allow the petitioner's prayer for bail.
6. The instant bail petition is, thus, **dismissed**.
7. However, considering the period of detention of the petitioner, we request the learned trial court to expedite the trial as much as possible and conclude the same on an early date.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)