

70.
17-12-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3167 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 Swarup Nagar Police Station Case No.435 of 2018 dated 23-08-2018 under Sections 363, 365, 325, 326, 307, 364A and 120B of the Indian Penal Code.

- A n d -

In the matter of : Tuhin Sardar @ Tuhin Rahaman Sardar
.... Petitioner.

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya
... For the Petitioner.

Mr. Madhusudan Sur, learned APP,
Ms. Pushpita Saha
... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench by an order dated October 17, 2023 passed in CRM (DB) 4066 of 2023. While rejecting the prayer, the Bench requested the trial Court to conduct the trial with utmost expedition and conclude the same at an early date, preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

2. Learned advocate for the State raises a point of maintainability of this application. He says that the time period granted by the coordinate Bench for conclusion of trial, has not yet expired. A lot of time is left. The prosecution shall conclude the trial within the stipulated time period.

3. Learned advocate for the petitioner says that after the order dated October 17, 2023 was passed, only one

prosecution witness has been examined, that too, in part. There is no way that the prosecution can conclude the trial within the time period granted by the coordinate Bench.

4. Since a coordinate Bench granted two years' time to the learned trial Court to conclude the trial, and since such order was not challenged by any of the parties before a higher forum, we are of the view the petitioner's prayer for bail should not be entertained, at this stage. This will not prevent the petitioner from renewing his prayer for bail if the trial is not concluded within the time period prescribed by the coordinate Bench by the order dated October 17, 2023.

5. The application for bail is, thus, **dismissed**.

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

7. 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.)