

37.
19-02-2025
(ct. no.29)
S. De
(Rejected)

CRM (DB) 80 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Biswajit Biswas.Petitioner.

Mr. Shibaji Kr. Das,
Ms. Deblina De,for the Petitioner.

Mr. Saibal Bapuli,
Mr. Aritra Bhattacharyya,for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 166 days. Investigation is complete. There is no chance of early conclusion of the trial since there are 54 witnesses and only 1 witness has been examined. One accused person has been granted bail by this Bench. Accordingly, he may be enlarged on bail on any condition.
2. Learned counsel for the State raises strong objection. According to him, several stolen gold articles were recovered from the possession of the present petitioner and those articles have been identified by the wife of the de facto complainant. If the present petitioner is granted bail, the prosecution may suffer. Learned counsel has also pointed out that the accused person who was granted bail was not similarly circumstanced.
3. We have considered the materials-on-record. So far as the present petitioner is concerned, we find that there are sufficient incriminating materials against him. The articles recovered from

the possession of the petitioner were placed in Test Identification Parade and those have been identified by the wife of the de facto complainant.

4. In view of such incriminating materials-on-record and also the fact that the trial has commenced, we are not inclined to allow the prayer for bail of the petitioner, at this stage.
5. CRM (DB) 80 of 2025 is, accordingly, dismissed.
6. However, keeping in mind the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial and conclude the same on an early date.
7. Let this order be communicated by the parties to the learned Trial Court.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)