

02. 04.03.2025  
Court  
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION**

**CRM (DB) 166 of 2025**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Bhadreswar P.S. Case No.441/2017 dated 22.11.2017.

And

In the matter of: - **RAJU KUMAR SHAW @ RAJU SHAW**

...petitioner.

Mr. Sandip Kr. Bhattacharya  
Mr. Dipta Dipak Banerjee

...for the petitioner.

Mr. Partha Pratim Das  
Mr. Tirupati Mukherjee

...for the State.

**Dictated by Arijit Banerjee, J.**

1. Status report filed by the State be kept with the records.
2. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India. He says that he is in custody for about seven years and three months. The trial is still in progress. He renews his prayer for bail which was rejected earlier on merits on at least five occasions, lastly on August 23, 2022, passed by a co-ordinate Bench in CRM (DB) 2825 of 2022.
3. Learned State Counsel vehemently opposes the bail prayer. He says that there is sufficient incriminating evidence against this petitioner indicating his active involvement in the murder of the victim. The bail prayer of a co-accused person was refused by a co-ordinate Bench on February 11, 2025, in CRM (DB) 3477 of

2024, although that person was also in custody for seven years and two months as on that date.

4. Learned State Advocate further tells us that examination-in-chief of the last prosecution witness being the second Investigating Officer, was concluded sometime in May, 2023. Since then, the defence is cross-examining that witness.
5. We, therefore, see that firstly, the trial is on the verge of conclusion. Secondly, *prima facie* there is sufficient incriminating material against the petitioner. The charge is of murder. If convicted, the petitioner will have to undergo mandatory life imprisonment.
6. While we are conscious that a citizen's fundamental right to personal liberty and speedy trial, as enshrined in Article 21 of the Constitution of India, is very important, yet the same has to be balanced against other factors like the gravity of the charge, the quality and quantity of incriminating evidence and in general, the desirability or otherwise of enlarging the accused person on bail. In the present case, having undertaken that balancing act, we are of the considered view that in spite of lengthy detention of the petitioner in judicial custody, he ought not to be enlarged on bail. The prayer for bail is rejected.
7. The application being CRM (DB) 166 of 2025 is accordingly dismissed.
8. However, considering the prolonged detention of the petitioner is in custody, we direct the learned Trial Court to conclude the trial by delivery of judgment at the earliest, without granting unnecessary adjournment to either of the parties and if

necessary, by fixing frequent schedules for examination of witnesses.

9. We further clarify that the observations made in this order are only for the purpose of disposing of this bail application and the same shall have no bearing on the trial.
10. Parties to communicate this order to the learned Trial Court.

**(Prasenjit Biswas, J.)**

**(Arijit Banerjee, J.)**