

18.03.2025
Item no.39.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 300 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Jahir Gazi @ Jahir Gaji. ...Petitioner.

Mr. R. Abedin,
Mr. A. Dewan, ...for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Ms. Kanchan Roy, ...for the State.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.,
Mr. Supreem Naskar,
Ms. Jayashree Patra, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find that the offence alleged is heinous in nature. The accused persons committed murder of two persons and committed dacoity. The booty was recovered from the accused persons including this petitioner. The offending weapons were also recovered.
3. The petitioner is aggrieved that he is in custody for 3 years and 4 months and only 11 witnesses out of 85 chargesheet named witnesses have been examined.
4. Learned State counsel tells us that the prosecution will examine only 10 to 12 more witnesses and they shall ensure that the trial is concluded within the next 1 year.
5. Learned senior advocate for the de facto complainant vehemently opposes the prayer for bail.

6. We are conscious of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India. However, such right has to be balanced against other factors like the gravity of the offence with which an accused person is charged, the quality and quantity of evidence that is on record, the maximum punishment that the accused person may have to suffer, etc. We find that prima facie there is sufficient incriminating evidence against this petitioner. If convicted, he shall have to undergo mandatory life imprisonment.
7. In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
8. CRM (DB) 300 of 2025 is dismissed.
9. However, noting the statement made by the State in the status report filed today, that the trial shall be concluded within 1 year, we request the learned Trial Court to expedite the trial to the fullest extent and conclude the same on an early date without granting unnecessary adjournment to either of the parties.
10. Let this order be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)