

20.03.2025
Item no. 30.
Court No.29.
AB
(Rejected)

CRM (DB) 537 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gazole P.S. Case No.01 of 2022 Dated 01.01.2022 under Sections 302/201 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Nayan Saha @ KaluPetitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanjafor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Arijit Ganguly,
Mr. Kaushik Kundufor the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. We find from the report that 9 prosecution witnesses have already been examined. The prosecution intends to examine one more witness. The next date fixed is April 24, 2025.
3. We, therefore, see that the trial is likely to conclude very soon. There is prima facie sufficient incriminating material against the petitioner. This is the 4th application for bail. Earlier, he suffered rejection on merits on June 15, 2022, in CRM (DB) 1757 of 2022, September 28, 2022, in CRM (DB) 3302 of 2022 and on August 30, 2024, in CRM (DB) 2428 of 2024.

4. We also note that while rejecting his prayer on August 30, 2024, this Court had directed the Trial Court to conclude the trial positively within six months from the next date fixed for recording of evidence. From the certified copies of the orders of the learned Trial Court, it appears that that order of ours was communicated to learned Trial Court only on November 4, 2024. Therefore, the Trial Court still has time for concluding the trial within six months from November 4, 2024.
5. The prayer for bail is rejected, at this stage.
6. CRM (DB) 537 of 2025 is dismissed.
7. However, considering that the petitioner is in custody for more than three years and two months, we direct the learned Trial Court to conclude the trial on an early date, if necessary, by preponing the next date fixed for recording evidence and without granting unnecessary adjournment to either of the parties.
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.)

