

18.03.2025
Item no.05.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 775 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 : Amitava Saha @ Amitabha Saha.

...Petitioner.

Mr. Kunal Gangully,for the Petitioner.

Mr. Ranabir Roy chowdhury,

Ms. Sanjida Sultana,for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. We find that only 3 prosecution witnesses remain to be examined. We are conscious that there was a direction for the learned Trial Court to conclude the trial within 3 months. Such direction was contained in an order dated June 12, 2024, passed by a co-ordinate Bench. However, such order was communicated to the learned Trial Court only on November 22, 2024. Three months from that date elapsed on February 22, 2024.
3. Learned State counsel tells us that the defence took time for cross-examination of prosecution witnesses. However, the trial shall conclude within 3 months positively from the next date fixed by the learned Trial Court which, we are told, is April 29, 2025.
4. We see that the trial has proceeded with reasonable pace. In less than 2 years, 15 prosecution witnesses have been examined.

5. There is sufficient incriminating material against the petitioner.
The charge is of murder. There are eye-witnesses. If convicted, the petitioner will face mandatory life sentence.
6. Therefore, we are not inclined to allow the petitioner's prayer for bail, at this stage.
7. CRM (DB) 775 of 2025 is dismissed.
8. However, noting the submission of learned State counsel that the trial can be concluded within 3 months from the next date fixed, we direct the learned Trial Court to expedite the trial and conclude the same on an early date, if necessary, by preponing the next date without granting unnecessary adjournments to either of the parties.
9. Let this order be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)