

7.
26-03-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 830 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Bhawanipore/ D.D. Police Station Case No.294 of 2022 dated 12-12-2022 under Sections 395/397/170/467/468/471/ 120B/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

- A n d -

In the matter of : Rajab Ali Gayen

.... Petitioner.

Mr. Jaydeep Biswas,
Mr. Kaushik Ghosh

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Snigdha Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. In the cause title of the order dated March 21, 2025, the case number has been wrongly recorded as CRM (NDPS) No.830 of 2025. The same shall be read as CRM **(DB)** No.830 of 2025.

2. Concerned department is, therefore, directed to correct the case number in the cause title of the order dated March 21, 2025 by substituting the letters (NDPS) by **(DB)**.

3. From the report filed by the State in terms of our order dated March 21, 2025, which be taken on record, we see that the petitioner is taking regular medication as per advice of SSKM Hospital under close supervision of Presidency Correctional Home doctors. He is scheduled to

attend the gastroenterology OPD of SSKM Hospital for further follow-up.

4. From the report, we see that indeed the petitioner is suffering from ill health, but he is also receiving requisite medical attention and treatment. We make it clear that in the event the Superintendent of the Presidency Correctional Home feels that the medical facility available at his disposal is insufficient to tackle the ailments of the petitioner, arrangements will be made to shift him to such hospital where proper treatment can be administered to the petitioner.

5. On merit, we find that on October 03, 2024, this Bench had rejected the petitioner's prayer for bail on merits and had directed the trial Court to expedite the trial and conclude the same positively within ten months from the next date fixed. The ten months' time period has not yet expired.

6. Learned advocate for the petitioner says that after that order was passed and till date, only one witness has been examined, that too, in part. In other words, till date, six prosecution witnesses have been examined in full and one witness in part. There is no possibility of the trial concluding within the period of ten months indicated in the earlier rejection order.

7. Learned State advocate says that two witnesses have been examined in part and six witnesses have been examined in full. All efforts will be made to conclude the trial within the time period indicated in the order dated October 03, 2024.

8. We also see that the bail prayer of a co-accused person was rejected by the Hon'ble Supreme Court as recently as on February 11, 2025.

9. In view of the prima facie incriminating material against the petitioner and given the seriousness of the charge (dacoity), we are not inclined to grant bail to the petitioner, at this stage.

10. The application for bail is, thus, **dismissed**.

11. However, if the trial does not conclude within the time period indicated in the order dated October 03, 2024, the petitioner may renew his prayer for bail.

12. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

13. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)