

02.09.2025

Item No.14

Ct.No.34

rc.

Reject

C.R.M. (M) 1321 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhowanipore Police Station Case No. 294 of 2022 dated 12.12.2022.

And

In Re : **Debabrata Karmakar**

... Petitioner

Mr. Rajeev Lochan (through VC)

... for the Petitioner

Mr. Rudradipta Nandy

Ms. Jonaki Saha

... for the State

Copies of the order sheets filed by the State are taken on record.

Heard learned counsels for the parties.

Bail prayer of the petitioner was turned down by this Court earlier on October 03, 2024 considering the material on record with a direction upon the learned trial Court to expedite the trial and conclude the same within ten months from the next date fixed for evidence. This Court further directed the learned trial Court not to grant any unnecessary adjournment to either of the parties and if necessary fix frequent schedules of two/three days or more. Such order was assailed by the petitioner before the Hon'ble Supreme Court and by an order passed on February 11, 2025 the

Hon'ble Supreme Court turned down the prayer of the petitioner with a rider that the petitioner could renew the prayer for bail after six months, if so advised, in the event trial did not proceed expeditiously. The petitioner has renewed his prayer for bail primarily on the ground that despite orders of this Court as well as Hon'ble Supreme Court, trial is proceeding at a snail's pace.

Opposing the prayer, learned counsel for the State submits that delay in trial is mostly caused by the accused who have taken adjournments before the learned trial Court on one ground or the other.

I have considered the material on record. There is sufficient incriminating material against the petitioner. He has been identified in TI Parade. Allegations are extremely serious in nature. Offence, if proved, may attract mandatory life imprisonment.

With regard to the progress in trial, it appears from the order sheets that the trial has been delayed mostly at the instance of the accused persons who have taken several adjournments on various grounds before the learned trial Court. The accused, under no circumstances, can take the benefit of orders passed by this Court as well as the Hon'ble Supreme Court on one hand and resort to various means and ways to delay the trial.

Considering the material on record, prayer for bail is rejected at this stage.

However, learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties.

The bail application is disposed of.

Case Diary is returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)