

42. 08.01.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3256 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of Udaynarayanpur Police Station Case No. 24/2016 dated 02.03.2016.

And

In the matter of: - **Bappaditya @ Bappa Pandit**

...petitioner.

Mr. Kallol Mondal, Sr. Adv.

Mr. Souvik Das

...for the petitioner.

Ms. Anasuya Sinha, Ld. APP

Ms. Baishakhi Chatterjee

...for the State.

Mr. Somnath Adhikary

Mr. Mizanur Rahaman

...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 there definitely is delay in progress of trial.

However, the same cannot be attributed solely to the prosecution. There have been systemic delays also. On a couple of occasions the trial had to be adjourned at the instance of the defence.
3. We appreciate that the petitioner is in custody for more than three and half years. However, we also cannot lose sight of the fact that the petitioner absconded for five years. This is a case of 2016. The petitioner, ultimately, was arrested in

2021. If granted bail, there is every possibility of the petitioner disappearing again.

4. We also see that there is very strong incriminating material against the petitioner. There is a dying declaration of the victim implicating the petitioner. There are eyewitnesses also.
5. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage. The prayer for bail is rejected.
6. The application being CRM (DB) 3256 of 2024 is accordingly dismissed.
7. However, considering that the petitioner is in custody for quite some time, we direct the learned Trial Court to spare no efforts to expedite the trial to the fullest extent possible and conclude the same on an early date keeping in mind a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)