

39. 29.01.2025
Court
No.29 (Tanmoy)

Rejected

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 3369 of 2024**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domjur P.S. Case No.824/2022 dated 05.10.2022.

And

In the matter of: - **Swapan Santra @ Mithun**

...petitioner.

Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Akbar Laskar

...for the petitioner.

Ms. Zareen N. Khan
Mr. Santanu Deb Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. The petitioner says that he is in custody for about two years and four months. The trial is progressing at a snail's pace. He prays for bail.
3. Opposing the bail prayer, learned Advocate for the State draws our attention to the material in the case diary and to the depositions of the witnesses already examined. There is *prima facie* incriminating evidence against this petitioner. The CCTV footages disclose his presence with the deceased. The offending weapon has been recovered on the basis of leading statement made by the petitioner.
4. It cannot also be said that there is inordinate delay in progress of the trial. 19 witnesses have already been examined by the prosecution. The status report filed in Court

today indicates that four more witnesses will be examined by the prosecution. The next schedule is fixed between March 3 and March 5, 2025.

5. In view of the *prima facie* incriminating material and evidence against the petitioner and since there is no inordinate delay in progress of the trial which is likely to end very soon, we are not inclined to entertain his prayer for bail, at this stage.
6. We also keep in mind that the charge, if proved and if the petitioner is convicted of the charge, he shall attract mandatory life sentence.
7. Hence, the prayer for bail is rejected.
8. The application being CRM (DB) 3369 of 2024 is accordingly dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)