

11.02.2025
Item no. 46.
Court No.29.
AB
(Rejected)

CRM (DB) 3477 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhadreswar P.S. Case No.441 of 2017 Dated 22.11.2017 under Sections 302 120B/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act

And

In the matter of : Baban Yadav

.....Petitioner.

Mr. Ranadeb Sengupta
Ms. Jeenia Rudra
Ms. Sangeeta Halderfor the Petitioner.

Mr. Debabrata Chatterjee
Md. Sayeed Khanfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected on four occasions earlier, lastly on April 10, 2024. He says that he is in custody for seven years and two months. Trial has still not concluded. On the ground of prolonged detention, he renews his prayer for bail.
2. Learned State Advocate has drawn our attention to the depositions of witnesses, who have already been examined. In fact, all the witnesses that the prosecution proposes to examine have been examined in chief. Only cross examination of the last prosecution witness remains to be done. On the last occasion, the cross

examination of the last prosecution witness was done in part and deferred at the instance of the defence.

3. We, therefore, see that firstly, the trial is on the verge of conclusion. Secondly, prima facie, there is sufficient incriminating material against the petitioner. The charge is of murder. If convicted, the petitioner will have to undergo mandatory life imprisonment.
4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
5. The prayer for bail is rejected.
6. CRM (DB) 3477 of 2024 is dismissed.
7. However, in view of the prolonged detention of the petitioner, we direct the learned Trial Court to conclude the trial by delivery of judgment at the earliest without granting unnecessary adjournment to either of the parties.
8. We further clarify that the observations made in this order are only for the purpose of disposing of this bail application and the same shall have no bearing on the trial.
9. The parties shall communicate this order to the learned Trial Court.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

