

12.02.2025
Ct. No. 26
Item No.27
SB/CP

C.R.M. (DB) No. 3540 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / 483 of the B.N.S.S. 2023 in connection with Bolpur P.S. Case No. 245 of 2016 U/D Case No. 172 of 2016 dated August 14, 2016, under Sections 330/348/304/201/34 of the IPC.

In the matter of : Prabir Kumar Dutta

..... petitioner

Mr. Pradip Kumar Roy, Sr. Adv.
Mr. Tirthajit Roy Choudhury

....for the petitioner

Mr. Debanik Roy
Mr. Rudradipta Nandy

....for the State

Petitioner prays for bail.

Learned senior advocate appearing for the petitioner submits that, the earlier prayer for bail was rejected on June 19, 2024 when, the Court directed the trial to be concluded within three months. He draws the attention of the Court to such order and submits that such order provided that in the event the trial is not complete within a period of three months, the petitioner was at liberty to renew his prayer for bail. He also submits that the petitioner is in custody for a period in excess of 1600 days. He contends that the sanctity of the earlier order fixing the time for completion of the trial was not maintained.

Learned Additional Public Prosecutor draws the attention of the Court to the materials in the case diary as also to the orders passed by the learned trial judge and submits that the trial is in progress. The next date of recording the evidence of the prosecution witnesses are fixed on March 3, 2025 to March 18, 2025. He submits that, the case involves custodial death.

Although, the previous order rejecting the prayer for bail of the petitioner desired that the trial be concluded within three months from the date of such order, the trial is yet to be concluded. Such order, however, permitted the petitioner to renew the prayer for bail which the petitioner is making.

The charges as against the petitioner before us are serious. Desirability of releasing the petitioner on bail at the stage of the trial when, the trial is nearing completion is doubted. Learned trial judge fixed March 3, 2025 till March 18, 2025 as dates for recording the evidence of the prosecution. We find that March 17, 2025 and March 18, 2025 are fixed for recording the evidence of the first investigating officer and the second investigating officer respectively. Apparently, the trial is at the fag end so far as recording of evidence of the prosecution is concerned. It is not a case where the petitioner is in custody without any trial. Sufficient progress at the trial appears to be made.

In such circumstances, we are not inclined to grant bail to the petitioner. The prayer for bail is rejected.

We request the learned trial judge to adhere to the dates fixed for recording evidence of the prosecution and not to grant unnecessary adjournments to any of the parties on any pretext.

CRM (DB) No. 3540 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)