

37. 12.02.2025
Court
No.26 (Pritam)
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3640 of 2024

In Re: - An application of bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of: - **Nitai Mondal.**

.....petitioner.

Mr. Apalak Basu
Mr. Arnab Mukherjee

...for the petitioner.

Mr. Debasish Roy, Ld. P.P.,
Mr. Rudradipta Nandi, Ld. A.P.P.,
Ms. Trisha Rakhit

....for the State.

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, the petitioner is in custody for more than three years. He submits that there is hardly any possibility of the trial ending anytime soon. He points out that the prosecution did not produce the three prosecution witnesses, who were required to be cross-examined by the defence, on the relevant dates, therefore, causing delay in the trial.
3. Learned Additional Public Prosecutor refers to the materials in the case diary. He submits that, not only fake currency was recovered from the possession of the petitioner but also ATM cards, Aadhaar Cards of different persons were recovered in

different quantities. He submit that, the prosecution is not at fault in the trial not being disposed of expeditiously. According to him, the defence took several dates for cross-examining the prosecution witness no.1 and therefore the cross-examination of the prosecution witness no.1 is yet to be concluded by the defence.

4. Materials in the case-diary implicate the petitioner in the case of fake currency. Not only the fake currency of high quantity were recovered from the possession of the petitioner but also, the seizure list shows that, the ATM cards, Aadhaar Cards and other documents of several persons were recovered from the possession of the petitioner.
5. Trial is in progress. Prosecution intends to examine ten witnesses, out of which prosecution examined three witnesses. Cross-examination of the three witnesses were deferred and is now underway on the trial defence. Prosecution witness no.1 is being cross-examined by the defence. The cross-examination of the prosecution witness no.1 commenced on November 20, 2024 and it continued till December 17, 2024, January 27, 2025 and is now scheduled for March 2025.
6. We are not in a position to arrive at a finding that the prosecution delayed the disposal of the trial. Materials in the case-diary implicate the petitioner in the offence is now proved. Enlarging the petitioner on bail at this stage of the trial may not be in the interest of administration of justice.
7. Consequently, we are not inclined to grant bail to the petitioner.

8. The prayer for bail is, thus, **rejected**.
9. CRM (DB) 3640 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)