

05.03.2025
Item no.14.
Court No.29.
S. De

CRM (DB) No. 2 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Karim Sk @ Dablu & Anr.Petitioners.

Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan,for the Petitioners.

Mr. Dhiraj Trevedi, Ld. DSG,
Mr. Amajit De, Special P.P., CBI,for the CBI.

Mr. Sujoy Sarkar,
Mr. Musharaf Alam,
Ms. Sneha Srivastava,
Ms. Debolina Goswami, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. From the reply filed on behalf of the Central Bureau of Investigation (CBI), we find that 25 witnesses have been examined so far by the prosecution. The prosecution proposes to examine 4 more witnesses. Next dates fixed for witness action are March 5 and 6, 2025 (today and tomorrow). Learned DSG says that recording of evidence will be completed by tomorrow.
2. We see that the allegation against the petitioners is very serious. Apparently, when the victim girl, about 15 years of age was returning home from her uncle's house at about 3:00 pm in the afternoon, she lost her way near Farakka Barage. At that time, the petitioners came along in an ambulance and took her away and ravished her repeatedly and left her near Farakka Bridge at about 3:30 am next early morning. The victim girl has been examined and she has implicated these two petitioners squarely.

3. In view of the nature of the crime and the prima facie incriminating evidence against the petitioners and also seeing that the trial is likely to conclude very soon, we are not inclined to allow the petitioners' prayer for bail.
4. We are conscious of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India. But the same has to be balanced against other factors like the gravity of offence with which the concerned person has been charged, the quality and quantity of incriminating evidence, the minimum punishment that the concerned person will have to suffer if convicted, etc.
5. In this case, there is, prima facie, sufficient incriminating material against the petitioners and if convicted of the offences, they have been charged with, they will have to undergo imprisonment for at least 20 years. In view of the aforesaid, we dismiss this application for bail.
6. CRM (DB) 2 of 2025 is dismissed.
7. However, since the petitioners are in custody for about 3 years and 9 months, we direct the learned trial Court to conclude the trial as soon as possible without granting unnecessary adjournment to either of the parties. We also ardently hope that witness action will conclude by tomorrow or if that is not possible, within the next fortnight.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)