

CRM (DB) 45 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Hirapur Police Station Case No.226 of 2018 dated 04-09-2018 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Mahesh Sharma

.... Petitioner.

Mr. Ayan Basu,
Mr. Sk. Salim,
Mr. Sumit Routh

... For the Petitioner.

Mr. Soumik Ganguly,
Ms. Eshita Dutta

... For the State.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Sagnik Mukherjee

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.
2. The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench on March 04, 2024 in CRM (DB) 685 of 2024.
3. The petitioner says that he is in custody for 1 year 5 months. Only 4 out of 33 charge sheet named witnesses have been examined. He complains of inordinate delay in progress of trial. He prays for bail on the touchstone of Article 21 of the Constitution of India. He also says that two other accused persons have been granted bail.
4. Learned advocates for the State and the defacto complainant vehemently oppose the prayer for bail. They

point out that the petitioner had absconded for 5 years before he could be arrested. The trial had to start *de novo* and the petitioner is responsible for the delay in progress of trial. He has criminal antecedents. There was recovery of two fire arms as per his leading statement.

5. We have seen the material on record. *Prima facie*, there is sufficient incriminating material against this petitioner. He has at least six criminal antecedents as would appear from the status report.

6. In view of the fact that he has absconded for five years and that if enlarged on bail, there is every likelihood of the petitioner again absconding, we are not inclined to enter his prayer for bail, at this stage.

7. The application for bail is, thus, **dismissed**.

8. However, considering the period of detention of the petitioner, we direct the learned trial Court to expedite the trial to the fullest extent and conclude the same on an early date without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules of 2/3 dates each for examination of witnesses.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)