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2025
Ct. No. 3

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

C.R.M. (SB) 3 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 read with Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Lataguri Range P.O.R. No. 1/LT of 2024-2025 dated 02.4.2024 under Section 9/39/49(b)/51 of Wild Life (Protection) Act, 1972 corresponding to C.R. Case No. 240 of 20214 pending before learned Chief Judicial Magistrate, Jalpaiguri.

And

Wangdi
Vs.

The State of West Bengal

Mr. Jaydeep Kanta Bhowmik
Ms. Sayantani Das

...For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

...For the State

This is an application for bail filed under Section 483 of the BNSS read with Section 439 of the Code of Criminal Procedure wherein the petitioner has prayed for granting bail to the petitioner, who is in custody since 2nd April 2024 and the ground of such prayer is that the trial has not yet been concluded long after commencement of trial and as such he is entitled to get relief under the provisions of Section 437(6) of the Code of Criminal Procedure.

Learned Counsel appearing on behalf of the State vehemently opposed the prayer for bail and contended the allegation against the petitioner is very serious in nature and this Court by an order dated 7th January, 2025 was pleased to reject the bail prayer made by the petitioner and no new circumstance has arisen since then to reconsider the prayer of the petitioner for granting bail.

Having heard learned Counsel appearing on behalf of both the parties it appears from the copy of the order sheet that the charge has been framed against the accused person on 29th January, 2025 and thereafter PW. 1 was examined and next date is fixed on 12th March, 2025 for cross-examination of PW. 1.

Criminal trial usually begins, when the Court considers the evidence and decides whether to discharge the accused or require a trial. However, application of Section 437(6) arises, when the trial of an accused is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, unless the Magistrate for reasons to be recorded in writing otherwise directs, which is not the issue herein.

Having considered the facts and circumstances of the case and also considering the submissions made on behalf of the parties and that no new circumstance has arisen since last rejection order passed by this Court, the prayer for bail is rejected. However, the Trial Court is directed to expedite the trial of the proceeding and he is requested to arrange trial on day to day basis as far as possible, since the petitioner is facing custody trial and to make every endeavour to conclude the entire proceeding preferably within a period of three months from the next date of hearing, i.e. 12th March, 2025.

(Dr. Ajoy Kumar Mukherjee, J.)