



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.4144 OF 2024
(Arising out of S.L.P.(Criminal) No.11589 of 2024)**

RUP BAHADUR MAGAR @ SANKI@ RABIN ... APPELLANT(S)

VS.

STATE OF WEST BENGAL ... RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO.4145 OF 2024
(Arising out of S.L.P.(Criminal) No.12263 of 2024)**

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

The learned counsel appearing for the respondent-State, on instructions, states that there are no antecedents of the appellants in both the appeals.

We have also heard the learned counsel appearing for the de-facto complainant who has vehemently opposed the prayer for grant of bail.

The appellants have undergone incarceration for a period of 2 years and 9 months. Initially, 72 witnesses were named, out of which only 3 have been examined. There is a statement recorded in the impugned order that the witnesses will be brought down to 22 to 24.

The trial has been delayed considerably. When there are no antecedents, there was no reason for the High Court to deny the bail.

We have repeatedly observed that while rejecting bail applications, the High Courts are passing the orders directing disposal of trials within a time schedule. Apart from the fact that such directions are contrary to the law laid down by the Constitution Bench in the case of *High Court Bar Association, Allahabad vs. State of U.P. & Ors.*¹, such orders put undue pressure on the Trial Courts which are already flooded with a lot of work. Unless the factual situation is extra ordinary and exceptional, the High Courts should refrain from passing such orders, as held by the Constitution Bench in the aforesaid judgment.

Considering the facts of the cases, the appellants are entitled to be enlarged on bail till the final disposal of the trial.

For that purpose, the appellants shall be produced before the Trial Court at the earliest. The Trial Court shall enlarge the appellants on bail on appropriate terms and conditions. The learned counsel for the State shall be heard on the terms and conditions. It is always open for the learned counsel for the State to urge that stringent conditions shall be imposed.

1. (2024) 6 SCC 267

The appeals are accordingly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
October 04, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 11589/2024

(Arising out of impugned final judgment and order dated 26-06-2024 in CRM(DB) No. 1851/2024 passed by the High Court at Calcutta)

RUP BAHADUR MAGAR @ SANKI@ RABIN

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(IA No.189544/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH SLP(Cr1) No. 12263/2024

(FOR ADMISSION and I.R. and IA No.194177/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.194176/2024-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.194173/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-10-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Mr. Rajeev Lochan, Adv.
Mr. Lalit Singh, Adv.
Mr. Rohit Joshi, Adv.
Mr. Ravi Kumar Tomar, AOR

Mr. Ravi Chandra Prakash, Adv.
Mr. Purushottam Sharma Tripathi, Adv.
For M/s Ravi Chandra Prakash & Co., AOR

For Respondent(s)

Ms. Mantika Haryani, Adv.
Ms. Astha Sharma, AOR
Mr. Bhanu Mishra, Adv.

Ms. Bansuri Swaraj, Sr. Adv.
Mr. Siddhesh Shirish Kotwal, AOR
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. T. Illayarasu, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

The appellants shall be produced before the Trial Court at the earliest. The Trial Court shall enlarge the appellants on bail on appropriate terms and conditions. The learned counsel for the State shall be heard on the terms and conditions. It is always open for the learned counsel for the State to urge that stringent conditions shall be imposed.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)