

**Via video conference**

07.03.22

(S.R.)

Sl.26

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Khejuri** Police Station Case No.225 of 2013 dated 05/09/2013 under Sections 364A/411 of the Indian Penal Code;

And

**In re: Sk. Aktar @ Sk. After & Anr. ... petitioners.**

Ms. Minoti Gomes

Mr. Dhananjay Banerjee

Ms. Oindrila Ghosh ... for the petitioners.

Mr. Neguive Ahmed, APP

Ms. Ayantika Roy ...for the State.

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners are languishing in custody for more than two years nine months. Upon completion of investigation charge sheet has been submitted. There is no possibility towards conclusion of the trial in the near future. In the said conspectus, further detention of the petitioners may not be necessary and they may be enlarged on bail on any stringent condition.

Ms. Roy, learned advocate appearing for the State submits that there are strong incriminating materials on record against the petitioners. Their prayer was rejected earlier. There had been recovery of Rs.55,000/- from the petitioner no.1 and Rs.45,000/- from the petitioner no.2.

Answering our query, she submits that trial is in progress and out of fifteen witnesses two have been examined.

Heard the learned advocates and considered the materials in the case diary.

*Prima facie*, there are strong incriminating materials on record against the petitioners. Considering the nature of accusations and the

extent of the petitioners' complicity in the alleged offence, we are not inclined to exercise any discretion in their favour. As such, their prayer for bail is refused at this stage.

However, we direct the learned court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under Section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the application for bail being CRM(DB) No.272 of 2022 is, accordingly, disposed of.

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

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**