

16.10.2023

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sdas
rejected

C.R.M.(DB) No. 3522 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Usthi Police Station Case No. 146 of 2021 dated 03.05.2021 under Sections 143/147/148/149/302/323/447 of the Indian Penal Code.

And

In Re : Ajay Bar & Ors. petitioners

Md. Ashraf Ali

Mr. Sankar Banerjee

... for the petitioners

Mr. Dhiraj Trivedi, Id. DSGI

Mr. Amajit De

... for the CBI

1. Report filed in Court is placed on record.
2. From the report it appears that CBI proposes to conclude the trial by December, 2024 subject to the discretion of the trial court.
3. We have considered the materials on record. There are number of witnesses who state petitioners participated in the joint assault on the victims one of whom had died. There is possibility of influence upon the injured victims and other eye-witnesses if petitioners are released on bail. Accordingly, we are not inclined to grant bail to the petitioners at this stage.
4. Keeping in mind the necessity for speedy trial this Court directed CBI to submit a timeline with regard to conclusion of trial. In terms of the report CBI proposes to conclude the trial by December, 2024. Hence, application for bail is rejected.

5. Trial court is requested to conduct the trial by fixing schedules for examination of witnesses at short intervals and to conclude the same at an early date preferably by December, 2024 without granting unnecessary adjournment to either of the parties. In the event Presiding Officer is not available the Judge-in-Charge shall record the evidence of the witnesses with consent of the parties.

6. Parties shall communicate the order to the Trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)