

19.10.2023.
38.
Ct.No.28
as/tkm
(Rejected)

C.R.M. (DB) 4136 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.683 of 2016 dated 09.12.2016 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : **Nikhil Kumar Sen @ Nikhil Sen.**
... Petitioner.

Mr. Arindam Jana,
Mr. Sumanta Das,
Mr. Arhan Sengupta.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Mr. Satadru Lahiri,
Mr. Safdar Azam.

...for the de-facto complainant.

1. Petitioner is in custody for more than six years. He submits there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. There are incriminating circumstances against the petitioner. Trial is in progress. 19 witnesses have already been examined.
5. Under such circumstances, we are not inclined to grant bail to the petitioner either on merits or on the score of delay.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. Trial Court is requested to conduct the trial by fixing schedules for examination of the witnesses at short intervals and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

8. Parties shall co-operate with the Trial Court and communicate this order for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)