

12.06.2023
SL No.8
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 303 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No.124 (10) of 2012 arising out of Siliguri Police Station Case No.301 of 2012 dated 26.06.2012 under Section 302 of the Indian Penal Code.

And

In the matter of : **Nabin Nayek @ Naik**

- Petitioner.

Mr. Kallal Ghosh,
Mr. Bhanu Singha Sarkar,
Mr. Rajkumar Gupta,
Mr. Kishan Sah
Mr. Utpal Dutta,
Mr. Rakesh Gupta

... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Aniruddha Biswas

... For the State

The learned Counsel for the petitioner submits that the petitioner is in custody for almost 11 years and the trial is yet to be concluded and, accordingly, may be released on bail on stringent conditions.

The learned Counsel for the State, however, opposes the prayer for bail and submits that the trial has almost concluded. The learned Trial Judge has fixed 13th June, 2023 for cross-

examination of the P.W.19 (I.O.) and only one witness is left to be examined after the cross-examination of P.W.19 is over.

In view of the fact that 13th June, 2023 is fixed for further examination of P.W.19 and thereafter only one witness is required to be examined, we are not inclined to grant bail to the petitioner at this stage.

We request the learned Additional District and Sessions Judge, Fast Track Court, Siliguri to complete the evidence of the prosecution within four weeks from the next date fixed and dispose of the matter within four months from the date of completion of the evidence.

Accordingly, the application for bail is rejected and disposed of.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)