

CRM (DB) 781 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Madhyamgram Police Station** Case No. **347 of 2020** dated **14.09.2020** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Ali Mohammad Ahamed alias Ali Mahammad Amed alias Becha

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Sekhar Saha,

... For the Petitioner.

Mr. Soumik Ganguli,
Mr. Arabinda Manna

... For the State.

Read order dated April 10, 2024 passed by a Coordinate Bench.

We are told that examination of PW 1 was concluded on May 16 and 17, 2024.

The allegation is of murder. The petitioner is the sole accused. He was taken into custody on September 14, 2020. He has, therefore, been in custody for close to four years. The petitioner says that between the time of his arrest and 2023, there was absolutely no progress in the trial. It was only after the order of the Coordinate Bench referred to above that PW 1 has been examined. His right to personal liberty under Article 21 of the Constitution of India is being infringed. He should be immediately released on bail on appropriate terms and conditions.

Learned Advocate for the State produces the case diary. We find statements of several eye witnesses recorded under Section

164 of the Code of Criminal Procedure. All of them in unison say that the petitioner dealt the fatal blow with axe to the victim.

In view of such direct evidence against the petitioner and gravity of the charge, we are not inclined to allow the petitioner's prayer for bail.

CRM (DB) 781 of 2024 is, thus, dismissed.

However, the issue of personal liberty cannot be lost sight of. Speedy trial is a fundamental right of a citizen. The learned Trial Court is directed to expedite the trial and complete the same within eight months from the next date fixed for recording of evidence. No unnecessary adjournments will be granted. We make it clear that if the trial is not concluded within the time period indicated above, the petitioner will be at liberty to renew his prayer for bail.

Personal appearance of the Investigating Officer is dispensed with.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)