

50.
24-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1408 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani Police Station 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.

- A n d -

In the matter of : Nikhil Sen

.... Petitioner.

Mr. Soumyajit Das Mahapatra

... For the Petitioner.

Ms. Amita Gaur,
Ms. Purnima Ghosh

... For the State.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Syed Wasim Faruque

... For the defacto-complainant.

The petitioner's prayer for bail was rejected thrice earlier, lastly on October 19, 2023.

Learned advocate for the petitioner says that the petitioner is in custody for over seven years. Witness action is still not complete. Nobody knows when the trial will conclude. He should be immediately enlarged on bail.

Learned advocates for the State and the defacto-complainant, while opposing the prayer for bail, draw our attention to the material in the Case Diary. There are statements of witnesses recorded under Section 164 of the Code of Criminal Procedure which clearly implicate the petitioner. 20 out of 27 witnesses have been examined. Learned advocate for the State on instructions says that two more witnesses need be examined on the part of the prosecution.

Given the *prima facie* incriminating material against the petitioner and the gravity of the charge, we are not inclined to enlarge the petitioner on bail.

The application for bail being CRM (DB) 1408 of 2024 is, thus, **dismissed**.

We also note that by the order dated October 19, 2023, whereby the petitioner's third application for bail was rejected by a coordinate Bench, the Bench had requested the trial Court 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*".

One year period has not yet elapsed from the date of that order. This is also another reason why we decline to entertain this application for bail, at this stage.

The presence of the Investigating Officer is dispensed with. However, we direct all concerned including the Investigating Officer to fully cooperate with the learned trial Court so that the trial may be concluded within the time period indicated in the order dated October 19, 2023 passed by the coordinate Bench.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)