

**CRM (DB) 1567 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Naihati Police Station** Case No. **206 of 2022** dated **05.06.2022** under Sections **302/34** of the Indian Penal Code.

- A n d -

**In the matter of : Sk. Jahangir @ Bholu & Anr.**

.... Petitioners.

Mr. Debasis Kar,

... For the Petitioners.

Mr. Soumik Ganguli,

Mrs. A. Sinha,

... For the State.

The petitioners renew their prayer for bail, which was rejected earlier by a Coordinate Bench on August 17, 2023.

The petitioners say that charge sheet was filed in August 2022. Till date only one witness has been examined by the prosecution, that too, partly. There are 17 witnesses. The petitioners are in custody for about two years and two months. It is anybody's guess when the trial will conclude. The petitioners should be released on bail.

Learned Advocate for the State says that there are sufficient incriminating materials against the petitioners and conviction is very likely. They should not be granted bail.

We have seen the materials in the case diary including the statements of witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure. It cannot be said that there is no material against the petitioners. May be that there is no direct evidence or eye witness of the incident. However, circumstantial

evidence also cannot be ignored totally. We see from the post mortem report that the cause of death seems to be manual strangulation of the victim.

In view of the gravity of the offence and the material in the case diary, we are not inclined to allow the petitioners' prayer for bail at this stage.

CRM (DB) 1567 of 2024 is, thus, dismissed.

However, we cannot lose sight of the personal liberty of a citizen. One cannot be kept in incarceration indefinitely notwithstanding the lengthy period of the criminal trial. The learned Trial Court is directed to complete the trial within a year from the next date fixed for recording of evidence. We make it clear that if the trial is not concluded within the time period indicated above, the petitioner would be entitled to renew his prayer for bail.

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. )**