

10.
Court
No.28

12.06.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1619 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Nakashipara Police Station Case No. 257/2021** dated **06.06.2021**.

And

In the matter of: - **Akai Dafadar & Anr.**

Mr. Soubhik Mitter, Adv.,
Mr. Litan Maitra, Adv.,
Mr. Kalyan Kr. Bhattacharjee, Adv.,
Ms. Rajnandini Das, Adv.

...petitioners.

...for the petitioners.

Mr. Subroto Roy, Adv.,
Ms. Sana Naaz, Adv.

...for the State.

This is the seventh application for bail insofar as the petitioner no. 1 is concerned and the sixth application for bail insofar as the petitioner no.2 is concerned.

The allegation is of double murder. Learned Advocate for the petitioner says that there is no eyewitness. The entire case is based on circumstantial evidence. It is only that the petitioners were found loitering at the place of occurrence. The petitioners have been in custody for three years. Even charge has not been framed. They should be released on bail on such conditions as this Court may decide. Three of the accused persons have already been enlarged on bail.

Learned Advocate for the State produces the case diary and strongly opposes the prayer for bail. He draws our attention

to statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. The said statements clearly refer to these petitioners trying to flee from the place of occurrence.

On an overall assessment of the material on record and the gravity of the alleged offence, we are not inclined to allow this application for bail.

The application being CRM (DB) 1619 of 2024 is accordingly dismissed.

However, since the petitioners have been in custody for three years, the learned Trial Court should immediately consider the issue of framing of charges and take the trial to its logical conclusion with utmost expedition and preferably within a period of one year from the date of communication of this order excluding the official vacations.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)