

12.06.2024
Item no. 9.
Court No.28.
AB
(Rejected)

CRM (DB) 1616 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Arsha Police Station Case No.12 of 2023 Dated 11.2.2023 under Sections 326/307/302/34 of the Indian Penal Code

And

In the matter of : Nirmal Kumar & Anr.

.....Petitioners.

Mr. Ayan Basu,
Sk. Selim,
Mr. Sumit Routh for the Petitioners.

Ms. Sonali Das,
Mr. Ratul Ghosh for the State.

The petitioners renew their prayer for bail. Their prayer was rejected earlier on December 22, 2023, by a Coordinate Bench in CRM (DB) 4762 of 2023.

Learned Advocate for the petitioners says that the petitioners are in custody for about one year and four months. Since the last rejection of their prayer for bail, nothing has progressed in the trial. Even charges have not been framed. The material on record are not such as would require continued detention of the petitioners. Charge sheet has been submitted. There can be no reason to detain the petitioners in custody any further.

Learned Advocate for the State produces the case diary and opposes the prayer for bail. She draws our attention to statements of witnesses recorded under Section 164 Cr.P.C. We find prima facie participation of the petitioners in the alleged offence. Given the gravity of the offence and the facts and circumstances on record, we are not inclined to allow the petitioners' prayer for bail.

Also there has hardly been any change in circumstance after a Coordinate Bench rejected the prayer of the petitioners on December 22, 2023.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1616 of 2024 is dismissed.

However, since the petitioners are in custody for quite some time, the learned Trial Court is requested to immediately take up the issue of framing of charges and expedite the trial and take the same to its logical conclusion as early as possible.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)