

47.
09-07-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1721 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram Police Station Case No.203 of 2023 dated 09-06-2023 under Sections 341/325/326/307/302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Imran Sk @ Sakiruddin Sk @ Sakirul Sk & Ors.
.... Petitioners.

Mr. Kallol Kumar Basu,
Mr. Md. Jannat ul Firdous
... For the Petitioners.

Mr. Arijit Ganguly,
Ms. Puspita Saha
... For the State.

Learned advocate for the petitioners, on instructions, says that the petitioner no.2 does not wish to proceed with his application for bail.

This application for bail is **dismissed** for **non-prosecution** as regards the petitioner no.2.

Insofar as the petitioner nos.1 and 3 are concerned, they renew their prayer for bail, which was rejected lastly on December 01, 2023.

The allegation is of collective assault. One person died. Since there has been rejection on merits and further since there has been no change of circumstances, we are not inclined to entertain the prayer for bail of the petitioner nos.1 and 3, at this stage.

However, we note that these petitioners have been in custody for 390 days. An undertrial cannot be detained in custody indefinitely just because there is delay in progress of

the trial for no fault of the accused persons. We are told that charge has been framed and July 15, 2024 has been fixed as the date for recording of evidence.

We direct the learned trial Court to expedite the trial to the utmost and bring the same to an early conclusion without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

The application for bail being CRM (DB) 1721 of 2024 is, thus, **dismissed**.

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.)