

CRM (DB) 1818 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rejinagar Police Station** Case No. **111 of 2021** dated **31.05.2021** under Sections **448/326/307/302/120b/34** of the Indian Penal Code.

- A n d -

In the matter of : Kamarujjaman @ Titu Sk.

.... Petitioner.

Mr. Ashok Das,
Mr. Jisan Iqbal Hossain,

... For the Petitioner.

Mr. Rudradipta Nandy,
Mrs. Sonali Das,
Mr. Arup Sarkar,

... For the State.

Mr. Riaz Abedin,
Mr. Asif Dewan,

.... For the defacto complainant.

The petitioner says that he is in custody for two years and four months. He has been falsely implicated in this matter. He has no connection with the alleged offence.

The allegation is that the accused persons including the petitioner entered into the victim's house and randomly beat up people injuring them. Two of the victims succumbed to the injury. So the allegation is of double murder.

Learned Additional Public Prosecutor while opposing the prayer for bail says that there is eye witness testifying that the petitioner is one of the principal assailants. He draws our attention to statements recorded under Section 164 of the Code of Criminal Procedure as also the deposition of the one of the prosecution witness who is an eye-witness.

We see from the material on record that there is sufficient *prima facie* evidence against the petitioner. The charge is grave.

However, we cannot also forget that the petitioner is in custody for a long time. Right to personal liberty is a fundamental right and must be given due importance so as the right to speedy trial.

In view of the aforesaid, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

CRM (DB) 1818 of 2024 is, thus, dismissed.

However, we direct the learned Trial Court to expedite the trial to the fullest and complete the trial by delivering judgment by the end of this year, without granting unnecessary adjournments to either of the parties. We also put on record the submission made by learned APP, on instruction, that although there may be 40 witnesses named in the charge sheet, it may not be necessary to examine all of them and as instructed by the Public Prosecutor in charge of the case, the trial can be concluded by the end of this year.

We clarify that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty 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.)