

CRM (DB) 2320 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure.

- A n d -

In the matter of : Nikhil Ghosh & Anr.

.... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick,

... For the Petitioners.

Ms. Rituparna De Ghose,
Ms. Sana Naaz,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioners' prayer for bail was rejected thrice earlier, lastly on March 1, 2024. They renew their prayer on the ground that they are in custody for more than 3 years. Only 5 out of 29 charge-sheet named witnesses have been examined.
2. Opposing the prayer, learned State counsel points out that there is sufficient material-on-record, implicating these petitioners. The petitioners beat up the victim with various weapons. Two persons succumbed to injury.
3. Since the case involves death of two persons and there is prima facie evidence against the petitioners, we are not inclined to allow their prayer for bail.
4. CRM (DB) 2320 of 2024 is dismissed.
5. However, since the petitioners have been in custody for a long period of time, keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, we direct the learned Trial Court to expedite the trial to the fullest extent

and conclude the same at an early date but definitely within a year from the next date fixed for recording of evidence.

6. We clarify that if the trial is not concluded within the time period indicated herein, the petitioners will be at liberty to renew their prayer for bail.
7. Parties and the learned Registrar General to communicate this order to the learned Trial Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)