

CRM (DB) 2428 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gazole Police Station** Case No. **01 of 2022** dated **01.01.2022** under Section **302/201** of the Indian Penal Code read with Section 6 of the POCSO Act.

- A n d -

In the matter of : Nayan Saha @ Kalu

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,

... For the Petitioner.

Mr. Sudip Kumar,
Mrs. Debjani Dasgupta

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is in custody for more than two years and seven months. However, the charge is serious. It is of raping a minor girl and murdering her.
2. Learned Advocate for the State tells us that 7 out of 23 charge sheet named witnesses have been examined. There is sufficient incriminating evidence against the petitioner. All efforts will be made to expedite the trial and conclude the same at an early date.
3. We find that all the vulnerable witnesses have not been examined. Since the charge is serious and there *prima facie* appears to be incriminating evidence against the petitioner, in spite of long detention, we are not inclined to release him on bail immediately.
4. CRM (DB) 2428 of 2024 is, thus, dismissed.

5. However, the importance of a citizen's fundamental right to personal liberty and speedy trial can hardly be over-emphasized. The learned Trial Court is directed to expedite the trial and conclude the same at an early date but positively within six months from the next date fixed for recording of evidence.

6. 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.)