

CRM (DB) 144 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station** Case No. **874 of 2020** dated **24.09.2020** under Sections **341/326/307/302/109/34** of the IPC.

- A n d -

In the matter of : Nimai Roy & Anr.

.... Petitioners.

Mrs. Minoti Gomes,
Mr. Mounick Ghosh,

... For the Petitioners.

Mr. Joydeep Roy,
Mr. Atanu Ghosh,

... for the State.

Dictated by Arijit Banerjee, J:-

1. The petitioners renew their prayer for bail on the touchstone of Article 21 of the Constitution of India. They say that they are in custody for about four years five months. There are 22 charge sheet named witnesses. The prosecution has examined only 12 witnesses till date. There is no possibility of an early conclusion of the trial. They pray for bail.

2. Learned State Advocate while opposing the bail prayer tells us that this is a case of double murder. The third victim was gravely injured but survived. He is the eye witness. There are sufficient incriminating materials against these petitioners. Four accused persons are still absconding. If granted bail, these petitioners may also abscond. The prosecution has already examined 12 witnesses and five more witnesses are proposed to be examined. The next date fixed is March 21, 2025 for examination

of two more witnesses. Learned Advocate for the State, on instruction, says that the trial is very likely to conclude within the next six months.

3. We have considered the rival contentions of the parties. We find that *prima facie* there is sufficient incriminating material against these petitioners. The charge is very serious. Two persons were murdered. One person almost got killed but survived. The evidence *prima facie* appears to be very strong as against these petitioners. It cannot be said that there is stagnancy in the trial. Some cases do require examination of many witnesses.

4. On an overall assessment of the facts and circumstances of the case as indicated above, we are not inclined to enlarge the petitioners on bail, at this stage. We also find that four accused persons are absconding and the petitioners may also disappear if granted bail, thereby frustrating the trial.

5. CRM (DB) 144 of 2025 is, thus, dismissed.

6. However, in the light of the statement made on behalf of the State that the trial could be concluded within the next six months, we request the learned Trial Court to spare no efforts to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and if necessary by fixing frequent schedules of 2/3 days each for examination of witnesses.

7. We clarify that if the trial is not concluded within a reasonable period of time, the petitioners will be at liberty to renew their prayer for bail.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)