

05.10.2020
Item No.08
Dc/Aj.

C.R.M. 6957 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 286 of 2019 dated 21.10.2019 under Section 376 of the Indian Penal Code in connection G.R. Case No. 878 of 2019, corresponding Session Case No. 02 of 2019.

And

In the matter of : Parvin Orawn. ... Petitioner.

Mr. Hillol Saha Podder. ... For the Petitioner.

Mr. Arun Sarkar,
Mr. Abhijit Sarkar. ... For the State.

The learned advocate for the petitioner submits that the petitioner is in custody for about 347 days and as charge sheet has already been submitted, further detention of the petitioner is unwarranted. The learned advocate further tries to impress upon this Court that there are issues regarding the factual matrix of the case which do not warrant further detention of the present petitioner.

The learned advocate for the State draws the attention of this Court to the memorandum of evidence along with the injury report as well as the statement of the victim girl under Section 164 of the Code of Criminal Procedure.

We have perused the materials available, more particularly the injury report as well as the statement of the victim under Section 164 of the Code of Criminal Procedure. From the materials available on record, we find that the

victim girl is said to be mentally retarded. Having considered the factual background of the case in such perspective, we are of the opinion that it would not be fit and proper to release the present petitioner on bail. Accordingly, prayer for bail of the petitioner is rejected.

However, the learned trial court is directed to expedite the stage of consideration of charge and take the trial to its logical conclusion within a reasonable period of time.

With the aforesaid observation, C.R.M. 6957 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)