

17.11.2020
SL No.12
Court No.12
(GB)

CRM 7678 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dewandighi** P.S. Case No.**26/2019** dated **21/02/2019** under Section **376(D)** of the Indian Penal.

And

In the matter of: **Raju Dhara @ Bapi & Anr.**

....Petitioners.

Mr. Santanu Maji.

...for the Petitioners.

Ms. Sukanya Bhattacharya,
Md. Kutubuddin.

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

Our attention is drawn to the chemical examination report of the victim girl which, prima facie, does not show of any marks of external injury.

The learned Counsel for the State however opposes the prayer for bail. It is submitted that the victim girl has been gang raped which would appear from her statement recorded under Section 164 of the Code of Criminal Procedure and the petitioner has been identified in the T.I. Parade. Our attention is also drawn to the order passed by the Coordinate Bench on 2nd September, 2019 dismissing the application for bail.

Considering the fact that a Coordinate Bench had dismissed the application for bail notwithstanding such medical examination report on a prima facie opinion that there are materials against the petitioners and since there has been no substantial change of circumstances in the meantime, we are not inclined to release the petitioner on bail. However trial be expedited. Since the charges have been framed on 16th November, 2019, We direct the learned Additional Sessions Judge, 3rd Court, Purba Bardhaman to expedite the trial and conclude the trial preferably within a period of eight months from the date of communication of this order by either parties without granting any adjournment unless they are unavoidable.

If for the reasons not attributed to the petitioner, the trial is delayed, it would be open to the petitioner to renew the prayer for bail.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)