

24.03.2021

Item No.97

Ct.No.28

dc.

C.R.M. 1167 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Nabagram P.S. Case No. 398 of 2015 dated 07.11.2015 under Sections 376(2)(i)/302/201 of the Indian Penal Code and Sections 4/6/8/10 of POCSO Act and charge-sheet being C.S. No 455/10 submitted on 18.12.2015 under Sections 376(4)/302/201 of the Indian Penal Code and Sections 4/8/6/10 of POCSO Act (C Special Case No. 20/2017).

And

In Re : **Alkas Sk**

... Petitioner.

Mrs. Baisali Ghoshal

... For the Petitioner.

Mr. Swapan Banerjee,

Mr. Suman De

... For the State.

This is an application for bail in connection with Nabagram P.S. Case No. 398 of 2015 dated 07.11.2015 under Sections 376(2)(i)/302/201 of the Indian Penal Code and Sections 4/6/8/10 of POCSO Act and charge-sheet being C.S. No 455/10 submitted on 18.12.2015 under Sections 376(4)/302/201 of the Indian Penal Code and Sections 4/8/6/10 of POCSO Act at the behest of the petitioner.

The petitioner is in custody for more than five years in connection with the instant case. This case was initiated following the murder of a ten years old minor girl and according to the petitioner, there was no eyewitness. There

has been a substantial progress in the case and in fact, several witnesses have been examined and three witnesses are required to be examined to complete the trial. Initially the date was fixed in the month of February 2021 and the learned advocate for the State could not apprise us what happened on the said date.

Be that as it may, we feel that trial can be concluded in near future. Considering the complicity of the petitioner to the alleged offence as well as the nature of offence which is serious, we do not feel that it is a fit case where the petitioner should be released on bail. As such, the petitioner's prayer for bail is **rejected**.

However, we request the learned Special Judge to expedite the trial and bring to its logical end preferably within eight months from the date of communication of this order.

The application for bail, being CRM 1167 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)