

14.09.2021
Item no. 36
Court No.32.
S.De.
(Dismissed)

(Via Video Conference)

CRM No. 2006 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Ghola Police Station Case No. 319 of 2020 dated 08.08.2020 under Section 376D of the Indian Penal Code 1860 and Section 6 of the Protection of Children of Sexual Offences Act 2012.

And

In the matter of : Subir Saha @ Rahul.

.....Petitioner.

Mr. Subhajit Chowdhury, Advocate,

.....for the Petitioner.

Ms. Zareen N. Khan, Advocate,

Mr. Ashok Das, Advocate,

.....for the State.

The petitioner is one of the two accused persons. The petitioner says that he has no role to play in the alleged offence. It was the other accused person, namely, one Pranab, who committed rape on the victim. He says that he has been in custody for 401 days. Charge has not yet been framed. Nobody can say when the trial will begin or will conclude.

The prosecution has drawn our attention to the victim's statement recorded under Section 164 of the Code of Criminal Procedure. The victim clearly implicates the

petitioner as having aided and abetted Pranab to rape the victim. The Medical Report, prima facie, indicates forceful sexual intercourse with the victim.

The petitioner's prayer for bail was rejected twice before by this Court, lastly on January 7, 2021. There is no apparent change of circumstances since then.

On an overall consideration of the material on record, the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to enlarge the petitioner on bail, at this stage.

Accordingly, CRM 2006 of 2021 is dismissed.

However, we request the learned Trial Court to expedite the consideration of charge and generally bring the trial to an early conclusion to the extent the business of the Court may permit.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)