

15.07.2021
Ct. No. 30
11
sdas
dismissed

C.R.M. 2243 of 2020
(via video conference)

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : Rafikul Laskar petitioner

Mr. Ayan Bhattacharya
Mr. Nirmalya Chatterjee
... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Manish Gupta
.... for the State

The present application has been preferred under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 1462 of 2016 dated 12th December, 2016 under Sections 363/366 of the Indian Penal Code. Subsequently Charge-sheet has been submitted under Sections 363/366/368/370/370A/120B/419/342/343/344/346 of the Indian Penal Code and Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act, 1986.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is languishing in custody for 498 days and there is also no possibility towards early conclusion of the trial.

He further submits that a co-accused person, whose extent of involvement is more than that of the petitioner, has

already been enlarged on bail and in the said conspectus further detention of the petitioner is not necessary.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes petitioner's prayer and draws our attention to several documents in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code of Criminal Procedure.

He further submits that there are materials which clearly reveal the direct involvement of the petitioner in the alleged offence. The co-accused, who has already been enlarged on bail, is not similarly circumstanced with the petitioner. The delay which has occasioned towards the conclusion of the trial is directly attributable to the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials on record, the gravity of the offence, the nature of allegations and the extent of involvement of the petitioner in the offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

In view thereof, the present application being CRM 2243 of 2020 is dismissed.

However, the learned trial court is directed to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)

