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Kole

16.07.2021
Ct. No.28
Rejected

C.R.M. 2539 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **09/03/2021** in connection with **Nimta Police Station Case No. 440 of 2018** dated **12/11/2018** under Section **376AB** of the Indian Penal Code read with Section 4, 6, 8 of the Protection of Children from Sexual Offences Act, 2012 giving rise to Sessions Special Case No. 131 of 2018.

And

In the matter of: - **Krishna Dutta**

....petitioner.

Mr. Debnath Ganguly,
Mr. A. Saha,
Mr. R. Chakraborty

...for the petitioner.

Mr. Bidyut Kr. Roy,
Mrs. Ritz Datta,
Mrs. P. Saha

...for the State.

This is an application making renewal prayer for bail after it was rejected lastly on 18th June, 2019 by CRM No. 4321 of 2019. Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case and he has been languishing in custody for nearly about three years and in the meantime, there has been no substantial progress of the trial besides examination of a single witness.

Learned Advocate for the State raises objection against the prayer for bail drawing our attention to the statement of the victim recorded under Section 161 Cr. P. C. In this case, a 15 years old girl was subjected to penetrative assault.

Having considered the commencement of the trial and bearing in mind the direct involvement of the petitioner in the

alleged offence, we are not inclined to grant bail to the petitioner in the midst of trial since anguish has been expressed by the learned Advocate for the petitioner expressing the delay caused in the progress of the trial, we however, want to redress the same giving a directions to that effect mentioned hereinbelow.

The learned Trial Judge is requested to expedite the trial and take all possible steps adhering to the mandates available under Section 309 of the Cr. P. C. so that logical conclusion of the case may be reached within reasonable period of time.

The prayer for application for bail is rejected and dismissed.

CRM No. 2539 of 2021 is accordingly dismissed.

(Subhasis Dasgupta, J.)

(Harish Tandon, J.)