

CRM 2875 of 2021

In re : An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Khejuri PS Case No. 318 of 2019 dated 21st November, 2019 under Sections 376(2)(I)/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

In the matter of : **Bimal @ Bimol Das**

..... petitioner

Mr. Shibaji Kumar Das

....For the petitioner

Mr. Saswata Gopal Mukherjee, Id. PP

Ms. Faria Hossain

Mr. Aniket Mitra

....For the State

Learned counsel for the petitioner submits that this is the third time that the petitioner renews his prayer for releasing him on bail on any condition as he is left in limbo of the judicial custody, incarcerated for a period of 560 days without any trial. Secondly, that the offence alleged against the petitioner has not been fully corroborated in view of the fact that the victim girl on her own got her pregnancy terminated without leaving any scope for the scientific investigation to test the paternity of the child in the womb by DNA test and to find as to whether the petitioner aged 68 years old could impregnate a girl aged 14 years. We are of the view that such defence may be available at the trial of the case.

Having regard to the submission made on behalf of the petitioner and the submission made on behalf of the prosecution based on the materials in the case diary, in particular, the statement of the victim girl aged about 14 years under Section

164 of the Code of Criminal Procedure, we find no cognizable circumstance in support of the petitioner at this stage, hence, the prayer for bail is considered but is rejected.

However, we direct the trial court to take all endeavour to conclude the trial as expeditiously as possible preferably within a period of 3 months after resumption of normal functioning of the Court.

CRM 2875 of 2021 is disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)