

CRM 3628 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar (South) Police Station Case No.94 of 2018 dated 30-06-2018 under Section 376(2)(l) of the Indian Penal Code.

- A n d -

In the matter of : Barun Singh @ Barun Singha

.... Petitioner.

Mr. Rohit Kumar Shaw

... For the Petitioner.

Mr. Bidyut Kumar Roy,

Ms. Rita Datta,

Mrs. Pushpita Saha

... For the State.

The petitioner has been charged under Section 376(2)(l) of the Indian Penal Code. We are told that he has been in custody for about 1121 days. He had approached this Court praying for bail earlier on two occasions. By orders dated July 17, 2019 passed in CRM 6234 of 2019 and December 17, 2019 passed in CRM 11646 of 2019, his applications were rejected. He is now renewing his prayer.

We have heard learned counsel for the parties. We have perused the material in the Case Diary. We have not been apprised if all the vital witnesses have been examined. Learned counsel for the petitioner submits that only one witness has been examined and another witness has been partly examined. The apprehension of the petitioner is that it may take an indefinite period of time for witness action to be completed and till then, the petitioner shall be languishing in jail.

Having regard to the nature and gravity of the offence that the petitioner has been charged with and that the survivor girl is mentally challenged and also having regard to

the fact that twice the petitioner's prayer have been rejected, we are not inclined to allow this application.

The application for bail being CRM 3628 of 2021 is, thus, **dismissed**.

However, we request the learned trial Court to expedite the examination of witnesses and complete the witness action as soon as possible, preferably within a period of one year from date.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**