

04.08.2021

Court No.28
Item No.51
(REJECTED)

Ab

CRM 3817 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 31.05.2021 in connection with Howrah G.R.P.S. Case No. 187 of 2015 dated 29.12.2015 under Sections 376(2)(g)/376(D)/120B of the Indian Penal Code and Sections 4/8 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Balak Ram Yadav.**

...Petitioner.

Mr. Sanjib Mitra.

...For the Petitioner

Ms. Zareen N. Khan,
Ms. Trina Mitra.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah G.R.P.S. Case No. 187 of 2015 under Sections 376(2)(g)/376(D)/120B of the Indian Penal Code and Sections 4/8 of the Protection of Children from Sexual Offences Act.

It was an unfortunate incident happened in the military compartment of the Howrah-Amritsar Express where the victim was allegedly raped and the petitioner has been apprehended and languishing in jail for nearly 4 years and 8 months. The trial has commenced and according to the petitioner, 15 witnesses out of 54 had already been examined but thereafter there has been a complete arrest of the progress of the case and, therefore, the petitioner

should be released on bail.

It is no doubt true that the trial has been set in motion and several witnesses have already been examined. We are not unoblivion of the fact that because of the pandemic the normal functioning of the Court has been compromised.

We, thus, request the trial court to fix a date for recording the statement of the rest of the witnesses and endeavour shall be shown to bring the case to its logical end at an earliest.

Since, we do not find any ground for releasing the petitioner on bail, the application for bail is **rejected**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)