

09.11.2021
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rejected

C.R.M. 7155 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 199 of 2020 dated 23.06.2020 under Sections 363/365/372 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Subhash Das @ Patra @ Subhash Chandra Das petitioner

Mr. Sayan De
Mr. Koustav Shome
Mr. Sayan Kanjilal

... for the petitioner

Mr. Sudip Ghosh
Mr. Pratick Bose

... for the State

Petitioner renews his prayer for bail.

Petitioner is in custody for 320 days. It is submitted by the learned Counsel appearing for the petitioner that the petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. We note that the victim girl has not yet been examined.

Having considered the materials on record and bearing in mind the prima facie involvement of the petitioner in kidnapping the victim girl who was sexually exploited, we are of the opinion that in view of the gravity of the offence and as the petitioner does not stand on the same footing with the co-

accused who has been enlarged on bail, petitioner is not entitled to bail at present.

Trial court is directed to expedite the trial and conclude the same at an early date preferably within three months from the next date fixed for recording of evidence before the trial court and upon the charge being framed examine the victim girl and conclude the trial proceedings without granting unnecessary adjournment to either of the parties.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)