

20.12.2021
Court No.32
Item No. 37
Avijit Mitra

C.R.M. 7864 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : Jiban Hansda

Petitioner

Mr. Somnath Banerjee,
Mr. Pronojit Roy

..For the Petitioner

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

...For the State

The present application for bail under Section 439 of the Code of Criminal Procedure has been preferred in connection with Labpur Police Station Case No.127 of 2021 dated 19.07.2021 under Sections 448/376AB of the Indian Penal Code and sections 6/10 of the POCSO Act.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has already suffered long incarceration for about 163 days and there is no possibility towards early conclusion of the trial. In the said conspectus, he may be enlarged on bail on any stringent condition.

Mr. Sen, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the gravity of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and his prayer for bail is refused at this stage.

Accordingly, the application for bail, being CRM No. 7864 of 2021 is dismissed.

However, the learned Trial Court is requested to conduct the trial expeditiously and conclude the same as early as possible without granting unnecessary adjournments to either of the parties.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)