

05-02-2021
subha
Item no.06

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8172 of 2020
With
CRAN 1 of 2020

Fani Das
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kultali Police Station Case No.528 of 2016 dated 27th July, 2016 under Sections 376(2)(i)/506 of the Indian Penal Code and Section 6 of the POCSO Act, 2012 (Special S. T. No. 10(11) 16.

Mr. Deepak Prahladka

...for the petitioner.

Mr. Saswata Gopal Mukherji, PP
Mr. Imran Ali
Ms. Manasi Roy

... for the State.

Mr. Deepak Prahladka, learned advocate appearing for the petitioner submits that the petitioner is in custody for four years six months and he has been unnecessarily dragged in this case without any evidence surfacing against him.

Learned advocate for the petitioner further submits that the case on merits is such that the petitioner is entitled to be acquitted and as such, prior to the evidence being completed, he may be released on bail.

Mr. Mukherji, learned Public Prosecutor appearing for the State submits a report stating that out of 11 witnesses, 8/9 witnesses have already been examined and the prosecution intends to examine the doctor and the Investigating Officer of the case.

Let the report submitted by the I/C, Kultali P.S, Baruipur PD dated 04-02-2021 through the learned Public Prosecutor appearing for the State be kept with the record.

Having regard to the fact that only two witnesses are left to be examined for conclusion of the prosecution evidence, we are of the opinion that steps must be taken by the Investigating Officer,

the Public Prosecutor conducting the trial and the learned trial court so that the prosecution evidence can be concluded within a period of three months from the date of communication of this order.

For the present, the application for bail of the petitioner is rejected.

The petitioner will be at liberty to approach this Court after the aforesaid period is over.

With the aforesaid observations, the application for bail being CRM 8172 of 2020 and connected application being CRAN 1 of 2020 are disposed of accordingly.

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

[Tirthankar Ghosh, JJ]

[Tapabrata Chakraborty, JJ]

