

14.09.2021
Item no. 07
Court No.32.
S.De.

In the High Court at Calcutta
Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 571 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Samuktala Police Station Case No. 283 of 2019 dated 17.10.2019 under Sections 376DA/323/506 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Roshan Besra @ Lalu & Ors.

.....Petitioners.

Mr. Arnab Saha, Advocate,

.....for the Petitioners.

Mr. Aditishankar Chakraborty, Ld. A.P.P.,

Mr. Sourav Gangully, Advocate,

.....for the State.

The petitioners are six out of seven or so accused persons. The charge is of gang rape. The petitioners say that they have been falsely implicated. They have been in custody for more than 700 days. Charge-sheet has been submitted. Their further custodial detention is unnecessary.

We have seen statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. She clearly stated that seven persons raped her. In the FIR, the

first petitioner is named. In the T.I. parade all the petitioners were identified.

The charge is very serious. Considering the material on record and the possible extent of complicity of the petitioners in the alleged offence, although the petitioners may have been in custody for quite some time, we are not inclined to allow their prayer for bail, at this stage.

Accordingly, CRM 571 of 2021 is dismissed.

We are told that P.W. 1 has been examined in part. We request the learned Trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the Court may permit.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)