

18.02.2022
Court No.32
Item No. 16
Avijit Mitra

C.R.M.(DB) No.53 of 2022

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

And

In Re : Mukesh Sk @ Mukesh Khan

Petitioner

Mr. Saikat Chatterjee,
Md. Rakib

For the Petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Paikar Police Station Case No.200 of 2019 dated 12.10.2019 under sections 363/365/120B of the Indian Penal Code read with Sections 4/6 of the Protection of Children from Sexual Offences Act.

The learned advocate appearing for the petitioner submits that out of two accused persons one has already been granted anticipatory bail. The petitioner is languishing in custody for more than 545 days. Upon completion of investigation chargesheet has been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 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 on record against the petitioner. Considering the gravity of the offence, the nature of accusations 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 as such, his prayer for bail is refused, at this stage more so when we do not find any substantial change in the facts and circumstances of this case subsequent to rejection of the petitioner's earlier prayer for bail on 11th November, 2021.

However, this Court directs the learned Court below to expeditiously conduct the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of the case may be reached at the earliest preferably within a period of eight months from the date of the communication of this Court.

The application for bail, being CRM (DB) No.53 of 2022, is disposed of.

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)