

07.03.2022

Court No.32
rpan /34

CRM (DB) 296 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Duttapukur Police Station Case no.3 of 2020 dated 01.01.2020 under Sections 450/427/376D/34 of the Indian Penal Code, 1860;

And

In Re.: **Sougata Sarkar**

- Petitioner.

Mr. Kallol Mondal,
Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee
... for the petitioner.
Ms. Zareen N. Khan,
Mr. Md. Kutubuddin
... for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for three years and two months. The victim girl had already been examined. In the said conspectus, further detention of the petitioner may not be necessary.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

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

Records reveal that petitioner's prayer for bail was rejected earlier on three occasions. It appears from the order dated 10th December, 2021 passed in CRM 8204 of 2021 that his prayer for bail was rejected after considering the evidence of the victim girl. In

view thereof, we are of the opinion that there had been no substantial change in the circumstances subsequent to rejection of his prayer on 10th December, 2021 by a coordinate Bench of this Court. As such, his prayer for bail is refused at this stage.

Answering our query, Ms. Khan, upon instruction, informs this Court that out of nineteen witnesses, two have been examined and a schedule has been fixed on and from 4th to 19th April, 2022 for examination of the witness nos.3-9.

In view thereof, we request the learned court below to expedite the trial and if necessary, upon resorting to steps available under Section 309 of the Code so that logical conclusion of this case may be reached at the earliest.

With the aforesaid observations, the application for bail, being CRM (DB) 296 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.)