

CRM(DB) No.312 of 2022

Via video conference

07.03.22

(S.R.)

Sl.40

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Liluah** Police Station Case No.327 of 2019 dated 12/12/2019 under Sections 363/366/376/120B of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act;

And

In re: Upendra Kumar Roy @ Opendra Kumar Roy

... petitioner.

Mr. Mrityunjay Chatterjee

Mr. Debapriya Majumder

Mr. Sreejeet Basu Roy

... for the petitioner.

Ms. Zareen N. Khan

Md. Kutub Uddin

...for the State.

Mr. R.I. Sardar

... for the *de facto* complainant.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is renewing his prayer for bail thirteen months after such prayer was last rejected on 10th February, 2021. The petitioner had already suffered long incarceration for about two years and there had been no progress in the trial. In such changed circumstances, the petitioner may be enlarged on bail on any stringent condition.

Ms. Khan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code as well as the medical documents. She submits that the petitioner is the principal accused and the ingredients of Sections 4 and 6 of the POCSO Act are clearly attracted against him.

Mr. Sardar, learned advocate enters appearance on behalf of the *de facto* complainant.

Heard the learned advocates and considered the materials in the

case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. We do not find any substantial change in the circumstances subsequent to rejection of the petitioner's prayer for bail on 10th February, 2021. In view thereof, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

However, the learned court below is directed to take up the question of consideration of charges on the next date fixed, without granting any unnecessary adjournment to either of the parties. If charges are framed, the learned court below shall expedite the trial and conclude the same at the earliest.

With the above observations and directions, the application for bail being CRM(DB) No.312 of 2022 is, accordingly, 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.)