

C.R.M. (DB) 618 of 2022

42 04.03.2022
(AD) Court No.29
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kakdwip** P.S. Case No.**264 of 2021** dated **26/08/2021** under Sections **363/365/376(3)** of the Indian Penal Code and Section **9** of the Prohibition of Child Married Act and Section **6** of the POCSO Act, corresponding to Special POCSO Case No.43 of 2021.
And

In the matter of: Subrata Bej

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kumar Mondal

for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Manasi Roy

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 174 days. The police submitted charge sheet. He submits that the medical evidence of the victim does not corroborate penetrative sexual assault.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the minor.

Considering the gravity of the offence and the *prima facie* involvement of the petitioner therein and considering the injury report which *prima facie* corroborates the statement of the victim and considering the fact that there is hardly any change in circumstances subsequent to the earlier order of rejection dated December 10, 2021 in CRM 8216 of 2021, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, we request the trial court to frame the charges, if not already done and to proceed with the trial as expeditiously as possible. The trial court is also requested to fix consecutive dates for recording evidence. The trial court is also requested not to grant any unnecessary adjournments to any of the parties.

C.R.M. (DB) 618 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)