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(AD)

28.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 1125 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raiganj Women** P.S. Case No.**11 of 2018** dated **27.02.2018** under Section **376(2)(i)** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012 pending before the Learned Special Judge, Special Court (POCSO), 2nd Court of Additional District Judge, Raiganj, Uttar Dinajpur.

And

In the matter of: Md. Bathu

....petitioner.

Mr. Kushal Paul

...for the petitioner.

Mr. P.K. Datta, Ld. APP

Md. Kutubuddin

Mr. Santanu Deb Roy

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that there is hardly any progress of the trial.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Considering the fact that there is hardly any material change in circumstances subsequent to the earlier order of rejection dated February 27, 2020 passed in CRM 2129 of 2020, we are unable to grant bail to the petitioner.

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

However, we request the learned Trial Judge to invoke

the provisions of Section 309 of the Code of Criminal Procedure and fix consecutive dates of trial and endeavour to adhere to the same. The learned Trial Judge is also requested not to grant any unnecessary adjournments to any of the parties.

C.R.M. (DB) 1125 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)