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(AD)

28.04.2022

Court No.29

(Rejected)

C.R.M. (DB) 1127 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special POCSO Case No.35 of 2018 arising out of **Pathar Pratima** P.S. Case No.**185 of 2018** dated **01.09.2018** under Sections **376(2)(i)/313** of the Indian Penal Code and under Section **6** of the POCSO Act, 2012 corresponding to Special POCSO Case No.35 of 2018.

And

In the matter of: Shaktipada Majhi @ Saktipada Majhi

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Gouranga Kumar Das
Mr. Sumit Routh
Mr. Kanailal Dutta

...for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta.

... for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner refers to the evidence of the victim girl recorded at the trial. He submits that the petitioner is in custody in excess of three years and eight months. Considering the fact that the evidence of the victim girl is over, he prays that the bail for the petitioner should be granted.

Learned Advocate appearing for the State submits that the trial is in progress. The evidence of the prosecution witnesses are yet to be over.

There are materials incriminating the petitioner.

Considering the nature of charges as against the petitioner and considering the fact that the trial is yet to be

concluded, we are unable to enlarge the petitioner on bail.

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

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

C.R.M. (DB) 1127 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)