

09.02.2022
Court No.32
Item No. 262
Avijit Mitra

C.R.M. 3990 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Pranay Ray

Petitioner

Mr. Sayan De,
Mr. Sayan Kanjilal

For the Petitioner

Mr. N.P. Agarwala,
Mr. Ashok Das

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali Police Station Case No. 368 of 2017 dated 01.12.2017 under sections 376(2)(j)(l)(n)/120(B)/506 of the Indian Penal Code read with section 6 of POCSO Act.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 4 years and there is no possibility towards conclusion of the trial in the near future. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Agarwala, learned advocate appearing for the State has placed before us a report from which it appears that trial is in progress. 8 witnesses out of 15 witnesses have already been examined and the next date has been fixed on 25th November, 2022. Let the report, as produced, be kept on record.

He further submits that the delay which has occurred is not totally attributable to the State. Furthermore, the period of delay stands intervened by a period lost due to the pandemics.

Mr. De has placed before us the deposition of the victim girl before the learned Court below. We have perused the same and have considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. The trial has already commenced and out of 15 witnesses 8 had already been examined. Considering the seriousness of the offence, its ramifications and the stage of the proceedings, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

The learned advocate for the petitioner has expressed his anguish and inconvenience, as regards the delay in progress of the trial. We take notice of such issue and direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest.

The application for bail, being CRM No.3990 of 2021, 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)