

08.06.2022
Sl. No.28
akd
[Rejected]

C. R. M. (DB) 1376 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.05.2022 in connection with Joypur Police Station FIR Case No. 46 of 2020 dated 19.03.2020 under Sections 376(2e)/376(d) of the Indian Penal Code.

And

In Re: ***Sk. Fakruddin Ali Ahmmed @ Mithu & Anr.***

... .. Petitioners

Ms. Devipriya Mitra

... .. for the petitioners

Ms. Zareen N. Khan

Mr. Arup Sarkar

... .. for the State

Petitioners pray for bail. It is submitted on behalf of the petitioners that they are in custody for 2½ years. It is further submitted that they have been falsely implicated in the instant case and there is no direct evidence of sexual assault.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record which prima facie show that the petitioners had sexually exploited a physically challenged girl. In view of the gravity of the offence and prima facie involvement of the petitioners therein, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is thus **rejected**.

However, in view of the protracted period of detention suffered by the petitioners, we direct the trial court to conclude the trial at an early date preferably within six months from the next date fixed for

recording evidence without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)