

13.06.2022.
69.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1625 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sealdah G.R.P.S. Case No.34 of 2015 dated 16.02.2015 under Sections 328/34, 376-D of the Indian Penal Code and Section 6 of POCSO Act..

In the matter of : Md. Jaffar.

... Petitioner.

Mr. Deepak Prahladka.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about seven years and three months. It is submitted victim has not implicated the petitioner in her deposition. Accordingly, he renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. We find petitioner was present with the principal accused who committed rape.

In view of the aforesaid materials on record which prima facie discloses presence of the petitioner along with the principal accused at the place of occurrence, we are of the opinion that this is not a fit case to grant bail to the petitioner.

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

However, keeping in mind the protracted period of detention suffered by him, 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.)