

17.06.2022
SL No.54
Saswata
Ct.28
(Rejected)

CRM (DB) 1828 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ganga Sagar Coastal** P.S. Case No. **29** dated **18.02.2020** under Sections **376/506** of the **Indian Penal Code** and **Section 6** of the **POCSO Act, 2012**.

And

In the matter of: **Dilip Ghorai @ Dilip Gorai @ Dilip Ghorui @
Banshi**
....Petitioner

Md. Sabir Ahmed
Mr. Sandip Kumar Mondal
Mr. Arpan Saha

...for the Petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

...for the State.

The petitioner is in custody for more than 2 years. He also submits the statement of the victim under Section 164 Cr.P.C. does not disclose ingredients of penetrative sexual assault.

We have considered the materials on record. Statement of the victim girl read in the light of other attending facts and circumstances including history of the incident noted in medical paper prima facie establishes the offence

In view of the aforesaid facts including gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

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

However, in view of the protracted period of detention suffered by the petitioner, the trial Court is directed to proceed with the trial with utmost expedition and conclude the same at

an early date preferably within a period of 6 months from the next date fixed for recording evidence.

Department is directed to communicate a copy of this order to the trial Court for necessary action.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)