

21.06.2022
cm/ct 28
sl no. 31

C.R.M.(DB) No. 1888 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Sagar P.S Case No. 57 of 2016** dated **29.03.2016** under Sections **363,376D,302,306,34** of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

Rejected

In Re : Sudipta Jana

..... petitioner

Mr. Deepak Prahladka

..... for the petitioner

Mr. Partha Pratim Das

Ms. Amita Gaur

..... for the State

Petitioner is in custody for more than six years. He renews his prayer for bail. He submits that he is not the principal accused and there is no direct evidence connecting him with the rape and murder.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner along with co-accuseds were seen with the girl prior to the incident. After the incident petitioner and co-accuseds gave false explanation with regard to her disappearance. Post mortem report of the victim girl shows injuries in her private parts.

We have considered the materials on record. Statement of witnesses and other contemporaneous documents show that the petitioner and the co-accuseds were last seen with the victim girl immediately prior to the incident. Thereafter, they gave false explanation with regard to her disappearance. Her dead body was recovered and post mortem shows injuries in her private parts.

In view of the aforesaid incriminating materials connecting the petitioner with the crime and gravity of the offence, we are not inclined to grant bail to the petitioner.

However, noticing the protracted period of detention suffered by him i.e. six and half years, we direct the trial court to conclude the trial at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

The application being CRM(DB) No. 1888 of 2022 is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)