

22.07.2022.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1972 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dankuni P.S. Case No.359 of 2021 dated 14.11.2021 under Sections 376(1)/376D/323 of the Indian Penal Code and charge sheet submitted under Sections 376(1)/376D/323 of the Indian Penal Code

In the matter of : Ananda Malik @ Chotka.
... Petitioner.

Mr. Kaushik Chandra Gupta.
...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.
...for the State.

Heard the learned Advocates appearing for the parties.

Affidavit is filed by Commissioner of Police, Chandannagore Police Commissionerate stating enquiry was conducted relating to the disappearance of a mentally challenged rape victim from Serampore Walsh Hospital. Statements have been appended to the report.

From the statement of one Pampa Mallick Bhar, Security Guard of Female Ward, it appears that she had left her post without intimation which gave opportunity to the victim to leave the hospital. Another Security Guard viz., Bikash Sha saw her moving around in front of the canteen but failed and neglected to take steps.

Superintendent, Serampore Walsh Hospital is directed to take cognizance of the aforesaid statements and take necessary

steps including initiation of disciplinary proceeding against the said security guards in accordance with law.

Coming to the merits of the case, we note petitioner is in custody for more than 246 days. It is contended victim is untraceable and, therefore, there is little possibility of the charge being established.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record in the light of the aforesaid submission of the petitioner. Statements of witnesses show they had seen the petitioner sexually abuse the mentally retarded victim.

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

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

Trial court is directed to take steps to conduct the trial with utmost expedition and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

Commissioner of Police, Chandannagore Police Commissionerate is directed to submit the enquiry report along with the annexures to the Superintendent, Serampore Walsh Hospital for taking necessary action.

Copy of this order be also sent to the said Superintendent, Serampore Walsh Hospital for due compliance.

Compliance report be filed by the adjourned day.

The matter is adjourned for four weeks (22.08.2022).

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)