

07.07.2022.
14.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2058 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Diamond Harbour P.S. Case No.381 of 2015 dated 18.06.2015 under Sections 120B/325/366A/368/370/370A/372/373/506(II)/376(2)(i) of the Indian Penal Code and Sections 6 and 6/17 of the POCSO Act.

In the matter of : Md. Aslam @ Jobbar @ Jobbar Ali.
... Petitioner.

Mr. Deepak Prahladka.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.
...for the State.

Mr. Rameshwar Sinha,
Mr. Sharon Jacob Madame.
...for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for more than six years. It is contended he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had trafficked a minor girl for sexual exploitation. Trial is in progress and 13 witnesses have been examined.

We have considered the materials on record including that of the victim girl. Victim has implicated the petitioner in the offence. Keeping in mind the incriminating evidence on record, gravity of the offence and as trial has substantially progressed, we are not inclined to grant bail to the petitioner at this stage.

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

However, we note the protracted period of detention suffered by the petitioner i.e. over six years.

Under such circumstances, we request the trial court to take immediate steps for conclusion of the trial as early as possible preferably within one year from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)