

13.07.2022

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rejected

C.R.M.(DB) No. 2275 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur Police Station Case No. 227 of 2021 dated 12.06.2021 under Sections 363/376(3)/506/34 of the Indian Penal Code read with Section 6 of POCSO Act.

And

In Re : Sk. Sani @ Sk. Saniyaz Ali petitioner

Ms. Devi Priya Mitra

... for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

Mr. A. Manna

... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for one year and one month. It is further submitted that the co-accuseds are on bail/anticipatory bail.

Learned Counsel appearing for the State opposes prayer for bail.

Statement of the minor victim recorded under Section 164 of the Code of Criminal Procedure shows that the petitioner had ravished her.

In view of the principal role of the petitioner in the crime we are of the view that he does not stand on the same footing with co-accuseds who are on bail/anticipatory bail.

Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We direct the trial court to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)