

29.08.2022.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2580 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore Woman P.S. Case No.13 of 2020 dated 17.03.2020 under Sections 376(2)(f)506/328 of the Indian Penal Code.

In the matter of : Partha Talukdar.

....Petitioner.

Ms. Trina Mitra.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 770 days. He prays for bail. He submits there is inordinate delay in lodging the first information report.

Learned Advocate for the State opposes the prayer for bail. He submits trial is in progress and de-facto complainant has been examined-in-chief. On the prayer of the defence, her cross-examination has been deferred.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits earlier. Trial is in progress and the de-facto complainant has been examined in-chief. On the prayer of the petitioner, cross-examination was deferred.

In view of the aforesaid materials on record, we do not consider it prudent to release the petitioner on bail at a stage when the vital vulnerable witness is being examined. We place

on record our disapproval of deferment of cross-examination of a vulnerable witness of sexual offence by the court below.

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

Copy of this order be sent down to the court below for intimation.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)