

19.01.2022

Court No.32
rpan/**266**

CRM 7738 of 2021

[Through Video Conferencing]

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Manuel Tudu & Others**

- Petitioners

Mr. Sourat Nandy,

Mr. Jisan Ahmed

... for the Petitioners.

Mr. Debabrata Chatterjee,

Ms. Sonali Das

... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Sagardighi Police Station Case no.18 of 2019 dated 12.01.2019 under Section 376D of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Nandy, learned advocate appearing for the petitioners submitted that the petitioners are languishing in custody for about three years and there is no possibility towards conclusion of the trial in the near future.

Considering such submission, on 20th December, 2021 we called for a report as to whether the examination of the victim girl is complete.

Today, Mr. Chatterjee, learned advocate appearing for the State submits, upon instruction, that the examination of the victim girl has been fixed on 23rd February, 2022. Let the report, as submitted, be kept on record.

Considering the seriousness of the offence, the extent of complicity of the petitioners and since the examination of the victim girl is not yet over, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for bail is refused at this stage.

The application for bail, being CRM No.7738 of 2021 is, thus, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J)