

17.01.2022
Court No.32
Item No. 06
Avijit Mitra

C.R.M. 8309 of 2021 (Through Video Conferencing)

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

And

In Re : Sanjay Paul @ Kalu

Petitioner

Mr. Prabir Majumder

For the Petitioner

Ms. Faria Hossain,
Mr. Aniket Mitra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ranaghat Police Station Case No.368 of 2018 dated 19.10.2018 under sections 363/366/376(2)(i)(n)/372/373 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 3 years and 89 days. There is no possibility towards conclusion of the trial in the near future. Though charges have been framed in the year 2019, there has been no substantial progress in the trial. In the said conspectus, the petitioner may be enlarged on bail on any stringent condition.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code.

Answering a query of this Court, he submits that next date for evidence has been fixed on 16th February, 2022.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary including the statement of the victim girl, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such prayer for bail is refused at this stage.

Mr. Majumder expresses his anguish and inconvenience, as regards the delay in progress of the trial, we take notice of such issue and direct the learned Court below to expeditiously conduct the trial and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, preferably within a period of eight months from the date of communication of this order.

Accordingly, the application for bail, being CRM No.8309 of 2021, is 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)