

CRM 8627 of 2021
(via video conference)

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

And

In Re : Bachchan Hembram

.....Petitioner

Mr. Arindam Jana
Mr. Ramashis Mukherjee

.....for the Petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Habibpur P.S. Case No. 173 of 2021 dated 09/06/2021 under Sections 341/376D of the Indian Penal Code and under Sections 8/17 of the POCSO Act.

Mr. Jana, learned lawyer appearing for the petitioner submitted that examination of witnesses are almost over. Only the Investigating Officer is to be examined. It is further submitted by him that no incriminating elements are there in the oral testimony of the witnesses including the victim girl against the present petitioner. Considering the long detention of about 248 days, he prays for bail.

Per contra, Mr. Hossain, learned lawyer appearing for the State submitted that all the accused persons are in custody. The petitioner was identified in T.I. Parade. Strong incriminating elements are there against the present petitioner. Therefore, he strongly opposed the prayer of the present petitioner.

We have heard the rival submissions and perused the case diary.

We have notice that examination of witness are almost over. Only the Investigating Officer is to be examined and all other co-accused are in custody. Considering the seriousness of allegations, we are not inclined to grant bail and the same stands rejected at this stage.

The application CRM 8627 of 2021 is, accordingly, dismissed.

However, we direct to conclude the trial and pass an order within a period of three months from the date of receiving this order.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)