

12.09.2022
Sl. No.14
akd
[Rejected]

C. R. M. (DB) 2981 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.08.2022 in connection with Ramnagar Police Station Case No. 395 of 2016 dated 22.12.2016 under Sections 354/354B of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Sk. Khursed @ Tolo @ Sk. Khurest**

... .. Petitioner

Ms. Minoti Gomes
Ms. Anandamani Ghosh

... .. for the petitioner

Mr. S. S. Imam
Mr. Arabinda Manna

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 991 days.

Report is placed on record. It appears from the report date has been fixed for recording prosecution evidence.

We have considered the materials on record. Allegation against the petitioner is grave. Statement of the victim and other materials collected during investigation support the allegation of penetrative sexual assault. Date has been fixed for recording evidence of prosecution witnesses including the minor. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

Needless to mention evidence of the minor shall be recorded first and no adjournment shall be given during her examination.

Let a copy of this order be communicated to the court below for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)