

CRM No.8893 of 2021

Via video conference

02.03.22

(S.R.)

Sl.206

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Barasat** Police Station Case No.507 of 2021 dated 05/08/2021 under Sections 376/120B of the Indian Penal Code and Section 6 of the POCSO Act (corresponding to Special POCSO Case No.77 of 2021);

And

In re: Kazi Hasibur Rahaman @ Kazi Hasib Gazi ... petitioner.

Mr. Ayan Basu

Mr. Sumit Routh

... for the petitioner.

Mr. S. Mahapatra

Mr. Suman De

...for the State.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His relationship with the victim was consensual in nature and on the alleged date of incident, the victim was aged about 18 years 3 months. She was aware of the consequences of such relationship with the petitioner. In the said conspectus and as the petitioner has already suffered incarceration for more than six months and as there is also no possibility towards conclusion of the trial in the near future, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition, more so when upon completion of investigation charge sheet has been submitted.

Mr. De, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim, as recorded under Section 164 of the Code, the medical report and other documents in the case diary. Answering our query, he submits that there are fourteen witnesses. Charges have already been framed and dates have been fixed on 7th March, 2022 and 15th March, 2022 for evidence of PW nos.1, 2 and 3. Let the report, as produced, be

kept on record.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the gravity of the offence, the stage of the proceedings and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for bail is refused at this stage.

However, we 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, without granting any unnecessary adjournment to either of the parties.

With the above observations and directions, the application for bail being CRM No.8893 of 2021 is, accordingly, disposed of.

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.)