

21.09.2022
as/ tkm/ct 28
sl no. 30

C.R.M. (DB) 3200 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P.S case no. 101/2019 dated 26.2.2019 under sections 363/365/34 of the IPC added sections 6/17 of the POCSO Act

And

In Re : Bikram Mandal petitioner

Mr. Anirban Mitra
Md. Wasim Akram

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen

..... for the State

Petitioner renews his prayer for bail. Petitioner is in custody for more than three years.

Learned lawyer for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected on merits earlier. Date has been fixed for recording prosecution evidence.

We have considered materials on record. Statement of the minor victim implicates the petitioner in the offence of penetrative sexual assault. His bail prayer was rejected earlier. Date has been fixed for recording prosecution evidence.

In view of the aforesaid circumstances and gravity of the offence and as vulnerable witness has not yet been examined, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail is rejected.

Trial court is requested to expedite the trial and conclude the same at an early date preferably within six months from the next date fixed for recording evidence following the mandate under section 35(2) of the POCSO Act.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)