

22.09.2022
S/L No.4
KS

C.R.M.(SB) 228 of 2022
Madhai Barui @ Madhab Barui @ Madhabchandra Barui
-Vs.-
The State of West Bengal

In Re.: An application for bail under Section 439 of the Code of Criminal Procedure.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

..... For the Petitioner

Mr. Prasun Kumar Datta
Mr. Nirupam Dhali

.....For the State

Mr. Bagchi, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 72 days and the investigation of the case has concluded. Charge-sheet has been submitted before the Jurisdictional Special Court and, as such, there is no requirement for further detention of the present petitioner. Additionally, it has been submitted by Mr. Bagchi that there has been about 4 days delay in registration of the F.I.R. and the complaint being made to the police authorities after passage of time, leaves room for doubt regarding the mala fide intent of the complainant.

Mr. Datta, learned advocate appearing for the State produces the Case Diary and draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as also the relevant statement of the witnesses.

Learned advocate appearing for the State opposes the prayer for bail.

I have considered the submissions made by the learned advocate appearing for the petitioner as well as learned advocate appearing for the State. Having regard to the nature of materials presently appearing, I am of the opinion that at this stage, prior to recording of evidence of CSW 2, it will not be fit and proper to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

Mr. Datta, learned advocate appearing for the State submits that the date for framing of charge was fixed however, the next dates are not available.

In view of the fact that the case is ready for consideration of charges, I direct the Learned Special Court to complete the process of consideration of charges and thereafter fixed close dates for examination of CSW 1 and CSW2. Whole of the process must be completed by 10th November, 2022, in case, dates have been fixed, I direct the Learned Special Court to prepone such date, if required.

Learned advocates for the petitioner and State are directed to communicate this order to the Learned Special Court in seisin of the matter. Petitioner would be at liberty to approach this Court after the examination of CSW 2 victim girl is over.

Accordingly, prayer for bail is rejected.

Thus, **C.R.M.(SB) 228 of 2022** is dismissed.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)