

23.09.2022

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rejected

C.R.M.(DB) No. 3221 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 460 of 2018 dated 26.12.2018 under Sections 363/366A/305/376(2)(i)/376(2)(n) of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In Re : Gopu Mandal @ Gopal Mondal @ Gopal Mandal @ Gopinath petitioner

Mr. Sourav Chatterjee
Mr. Achintya Tiwari
Ms. Namrata Chatterjee
... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
... for the State

Learned Counsel appearing for the petitioner submits he is in custody for three years and eight months. It is also submitted that there is slow progress in the trial of the case. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial has commenced. One witness has been examined. Next date is fixed for recording evidence on 22nd November, 2022.

We have considered the evidence on record. Allegations against the petitioner are grave. He had committed penetrative sexual assault on a minor who subsequently committed suicide. Hence, on merits we are not inclined to grant bail to the petitioner.

On the ground of delay, we note trial has commenced and one witness has already been examined. Next date has been fixed for recording evidence on 22nd November, 2022. Under such circumstances, though we are not inclined to release the petitioner on bail at present, trial court is directed to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

With these observations, application for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)