

28.09.2022.
24. SL
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3289 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Women P.S. Case No.98 of 2020 dated 22.09.2020 under Sections 6/17 of the POCSO Act.

In the matter of : Ram Sarkar.

... Petitioner.

Mr. A. Karmakar,
Mr. A. K. Bhowmick.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. B. Bhattacharya.

...for the State.

Petitioner renews his prayer for bail. He submits victims have not supported the prosecution case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record particularly that of the victims viz., PWs1 and 2. They have supported the prosecution case in chief but made exonerative statements during cross-examination. Their evidence requires to be seen as a whole and in the light of other circumstances on record. Trial is in progress and all the prosecution witnesses have not yet been examined. It would be too premature to express any opinion on the merits of the prosecution case at this stage.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

Trial court is requested to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)