

18.11.2022

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tkm/sdas

rejected

C.R.M.(DB) No. 4038 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Serampore Police Station Case No. 133 of 2022 dated 03.05.2022 under Sections 376(2)(f)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Arijit Chakraborty petitioner

Mr. Santanu Chakraborty

... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 199 days. It is also submitted that he has been falsely implicated in the instant case. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had violated his niece who is aged around 10 years. Date has been fixed for recording of prosecution evidence.

We have considered the materials on record. Allegation involves penetrative sexual assault on a 10 year old child. Petitioner is closely related to the child. Victim is yet to be examined. In the event petitioner is released on bail it may have adverse impact on the said witness.

Hence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)