

10.01.2023

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rejected

C.R.M. (DB) No. 76 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barrackpore Women Police Station Case No. 40 of 2021 dated 18.09.2021 under Sections 376(2)(j)(k)(n)/471/506/114 of the Indian Penal Code and Sections 4/6/17/21 of the POCSO Act and Sections 13/14A/14C of the Foreigners Act.

And

In Re : Sri Asish Mondal petitioner

Mr. Debasis Kar

.... for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 488 days. He renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits delay in the trial is due to abscondence of co-accuseds.

We have considered the materials on record. Petitioner had ravished the minor victim. His bail prayer was rejected earlier on merits. Delay in the matter is due to abscondence of co-accuseds. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

