

25.01.2023.
20.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 90 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah P.S. Case No.160 of 2021 dated 12.04.2021 under Section 376(2)(i) of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Ananda Roy.

... Petitioner.

Mr. Santanu Talukdar,
Ms. Roma Roy.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.

...for the State.

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.

...for the de-facto complainant.

Petitioner is in custody for more than 500 days. He submits he has been falsely implicated in the instant case. There are discrepancies in the deposition of the victim and that of the de-facto complainant. There are other deficiencies in the prosecution case. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. She submits survivor is a minor girl suffering from mental illness. She was ravished by the petitioner.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Survivor is a mentally challenged girl. Her deposition implicates the petitioner in the crime. Trial has substantially progressed.

Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner.

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

We request the trial court to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)