

09.02.2023

23
sdas
rejected

C.R.M.(DB) No. 539 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia Police Station Case No. 138 of 2016 dated 22.09.2016 under Sections 376D/506(II) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Babai Das alias Ariyan petitioner

Mr. Deepak Prahladka

Ms. Reshmi Khatun

... for the petitioner

Mr. Saswata Gopal Mukherji, learned PP

Mr. Partha Pratim Das

Ms. Eshita Dutta

Ms. Manasi Roy

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than six years. It is also submitted co-accused has been enlarged on bail. Vulnerable witnesses have been examined. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Case involves gang rape of the victim. While the victim implicated the petitioner in the rape, there is no allegation of rape against the co-accused who is enlarged on bail.

Under such circumstances, 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 unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)