

24.02.2023

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rejected

C.R.M. (DB) No. 559 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gaighata Police Station Case No. 361 of 2022 dated 21.04.2022 under Sections 342/376DA/120B of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Basudeb Biswas petitioner

Mr. Malay Bhattacharyya

Mr. Subhrajyoti Ghosh

... for the petitioner

Mr. Rudradipta Nandy, learned APP

Mr. Subrato Roy

... for the State

Mr. Rohan Ojha

Mr. Biwajit Mondal

Mr. Shamim Akhtar

.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for 309 days. He is the principal accused. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record including the deposition of the victim. From her evidence it appears the petitioner had put his hand into her vagina. Aforesaid evidence prima facie discloses a case of penetrative sexual assault. Under

such circumstances and as the petitioner is the principal accused, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)