

14.03.2023
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rejected

C.R.M. (DB) No. 741 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 410 of 2022 dated 22.08.2022 under Sections 448/342/376D/386/506/509/323/325/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Bablu Murmu & Ors. petitioners

Mr. Phiroz Edulji
Mr. Rafikul Islam Sardar
... for the petitioners

Mr. S. G. Mukherjee, learned P.P.
Ms. Faria Hossain
Mr. Anand Keshari
... for the State

Learned Counsel for the petitioners submits they are in custody since August, 2022. It is also submitted that co-accuseds are on bail. There is no progress in the matter. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioners are the principal accuseds. They took the victim to another place and committed rape. They do not stand on the same footing with co-accuseds who are on bail. Vulnerable witness i.e. victim is yet to be examined. Hence, we are not inclined to grant bail to the petitioners at this stage.

The application for bail is, thus, rejected.

Trial court is directed to frame charge at the earliest and in the event charge is framed to proceed with the trial without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)