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(AD)

02.03.2023

Court No.29

(Rejected)

C.R.M. (DB) 751 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Pingla** P.S. Case No.**25 of 2021** dated **19.01.2021 (POCSO Case No.08/2021)** corresponding to Charge Sheet No.62/2021 dated 24.03.2021 under Section **376(AB)** of the Indian Penal Code and **4** of POCSO Act, 2012.

And

In the matter of: Santanu Adhikary

....petitioner.

Sk. Nezamuddin

...for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State.

Petitioner seeks bail.

Status report as called for by the order dated February 23, 2023 filed in Court be taken on record.

The status report demonstrates that the defence took adjournments whenever the witnesses of the prosecution were present. The defence advocates took time on alternative dates.

The stand of the defence in taking adjournment is not appreciated.

Learned Trial Court is requested not to give any adjournment to any of the parties on any ground whatsoever when witnesses of the prosecution are present.

There are materials in the case diary implicating the petitioner in the incident of penetrative sexual assault on a minor.

Considering the gravity of the offence and the involvement of the petitioner in the incident, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 751 of 2023 is dismissed.

Learned Advocate appearing for the petitioner, at this stage, seeks time-frame for disposal of the trial.

As noted above, the orders of the trial court records that, the defence took adjournments whenever the prosecution witnesses are present.

In view of the prayer for expeditious disposal, in our opinion, it would be in the interest of justice that, prosecution witnesses are examined and when the turn for cross-examination arises, any prayer for deferment of cross-examination be rejected forthwith. The cross-examination be closed immediately, if the defence refuses or to proceed with the cross-examination.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)