

13.03.2023.
35.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 879 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotshila P.S. Case No.47 of 2019 dated 21.06.2019 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Qaisar Nafish Nawaz @ Sonu Khan.
... Petitioner.

Mr. Pawan Kr. Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nesar,
Mr. Santanu Sett.

...for the Petitioner.

Mr. Prasun Kr. Datta, ld. A.P.P.,
Mr. Nirupam Dhali.

...for the State.

Mr. Ayan Bhattacharyya,
Mr. Biswanath Chatterjee,
Mr. S. K. Pathak.

...for the Opposite party No.2/Victim.

Petitioner is in custody for 289 days. It is submitted there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the victim also opposes the bail prayer. He submits that his client was kidnapped earlier. A separate criminal case was registered in Jharkhand. Subsequently, she was again detained and forced to marry.

In reply, it is contended victim had voluntarily accompanied the petitioner.

We have considered the materials on record. Allegations involved kidnapping and rape of a minor. Vulnerable witness is yet to be examined.

Under such circumstances, we do not consider it prudent to enlarge the petitioner on bail at this stage.

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

However, we request the trial court to examine the vulnerable witness at the earliest and conclude the trial with utmost expedition without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)