

31.03.2023.
36.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1262 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No.333 of 2022 dated 20.04.2022 under Section 376D of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Alamgir Alam @ Alomgir Sk. & Ors.
... Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.
...for the Petitioners.

Mr. Atif Ahmed Siddiqui.
...for the State.

Mr. Avinaba Patra.
...for the de-facto complainant.

Petitioners are in custody for more than a year. They submit vulnerable witnesses have been examined. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

Learned Advocate for the de-facto complainant submits victim and her mother had supported the prosecution case.

We have considered the materials on record. Minor victim has been examined. She corroborates her allegation in the FIR and/or statement recorded under Section 164 of the Code of Criminal Procedure. Bail prayer of the petitioners was rejected earlier on merits. Trial is in progress.

Under such circumstances, we are not inclined to grant bail to the petitioners.

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

Trial court is requested to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence of the prosecution witnesses keeping in mind the mandate under Section 35(2) of the POCSO Act.

Parties shall communicate this order to the trial court for due compliance.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)