

08.05.2023
Sl. No.23
akd
[Rejected]

C. R. M. (DB) 1628 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.04.2023 in connection with Lalgola Police Station Case No.426 of 2022 dated 07.11.2022 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Abdul Sakir**

... .. Petitioner

Mr. Anirban Das

... .. for the petitioner

Mr. Debasis Kar

... .. for the de-facto complainant

Mr. Shiladitya Banerjee

... .. for the State

It is submitted on behalf of the petitioner that there was an amorous relationship between the parties and they had entered into marriage under personal law. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Victim is a minor. She stated she had been forcibly kidnapped and ravished. Vulnerable witness has not been examined as yet. Defence of the petitioner requires to be probalised during trial. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to expedite the trial and examine the minor victim at the earliest.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)