

16.05.2023
cm/ct 28
sl no. 45

C.R.M.(DB) No. 1942 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Taherpur P.S Case No. 193 of 2016** dated **09.06.2016** under Sections **6** of the protection of Children from Sexual Offences Act, 2012.

And

Rejected

In Re : Gopal Madhu @ Raju.

..... petitioner

Ms. Sananda Bhattacharyya

..... for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

..... for the State

Petitioner is in custody for over six years. He submits there is delay in trial. He also submits inspite of direction given by this court in CRM (DB) 1619 of 2022 trial has not concluded. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits nine witnesses have already been examined.

We have considered that materials on record. We have also considered the order-sheets since rejection of bail by this court. It is strange to note while petitioner is represented by his lawyer and seeks bail before us, he was unrepresented in the trial court which contributed to the delay. We do not appreciate such subterfuge resorted by the petitioner. Witnesses were present on most of the dates and nine of them have already been examined. Hence, it cannot be said that prosecution was lax in leading evidence.

Under such circumstances and in view of the gravity of the offence, we are not inclined to grant bail to the petitioner.

Trial Court is requested to expedite and conclude the trial at an early date keeping in mind the statutory mandate under Section 35(2) of the POCSO Act.

The application being CRM(DB) No. 1942 of 2023 is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)