

20.07.2023

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rejected

C.R.M.(DB) No. 2295 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 29 of 2022 dated 06.02.2022 under Sections 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Rakibul Khandakar petitioner

Mr. Subhasish Pachhal

....for the petitioner

Ms. Zareen N. Khan

Mr. Asif Dewan

..... for the State

Report submitted in Court is placed on record.

Learned Counsel for the petitioner submits he is in custody for 164 days. Minor victim has not yet been examined. He prays for bail.

Learned Counsel for the State produces the Case Diary. Report is placed on record.

We have perused the Case Diary as well as the report. Allegations are serious. Minor victim has implicated the petitioner in the offence of penetrative sexual assault. Trial court has submitted report expressing the view that trial may be concluded within October, 2023. Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

We request the trial court to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)