

27.07.2023.
18.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2765 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hemtabad P. S. Case No.109 of 2022 dated 21.03.2022 under Sections 448/506/34 of the Indian Penal Code read with Sections 4/17 of the POCSO Act and charge sheet submitted under Sections 448/506/34 of the Indian Penal Code read with Sections 4/17 of the POCSO Act.

In the matter of : Dipankar Biswas @ Gulu @ Dipankar Das.
... Petitioner.

Mr. Subir Banerjee,
Mr. Sandip Bandyopadhyay,
Ms. Ruxmini Basu Roy.

...for the Petitioner.

Mr. Iqbal Kabir.

...for the State.

Petitioner is in custody for 480 days. He submits there is slow progress in trial.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statement of the minor implicates the petitioner in the offence of penetrative sexual assault. Trial is in progress.

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

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

We request the trial court to expedite the trial and conclude the same at an early date bearing in mind the statutory mandate under Section 35(2) of the POCSO Act.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)