

19.07.2023.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2770 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon P. S. Case No.217 of 2022 dated 01.03.2022 under Sections 376(3)/506 of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : Ashadul Mondal.

... Petitioner.

Mr. Mrina Kanti Mukherjee.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrato Roy.

...for the State.

Mr. Amit Ranjan Pati.

...for the de-facto complainant.

Learned Advocate for the petitioner submits he is in custody for more than 500 days. Vulnerable witness has been examined. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant submits delay is due to adjournments sought on behalf of the defence.

We have considered the materials on record. Victim is a thirteen year old girl. Her deposition implicates the petitioner in the offence.

In view of the gravity of offence and materials on record, we are not inclined to grant bail to the petitioner.

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

However, in view of the period of detention suffered by the petitioner, we request the trial court to conclude the trial as expeditiously as possible 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.)