

20.07.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 2885 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Santiniketan Police Station Case No.26 of 2020 dated 15.02.2020 under Sections 376A/363 of the Indian Penal Code and Sections 4/6/8/10/12 of the POCSO Act.

And

In Re: **Sk. Imran**

... .. Petitioner

Mr. Diptendu Banerjee

... .. for the petitioner

Ms. Faria Hossain

Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Evidence of the victim implicates the petitioner in the offence of penetrative sexual assault. In view of the aforesaid incriminating circumstance and gravity of the offence, 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 conclude the trial as expeditiously as possible by fixing schedules at short intervals and keeping in mind the mandate under Section 35(2) of the POCSO Act.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

