

31.07.2023

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rejected

C.R.M. (DB) No. 3010 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pingla Police Station Case No. 25 of 2021 dated 19.01.2021 under Sections 376(AB) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Santanu Adhikary petitioner

Sk. Nezamuddin

... for the petitioner

Ms. Anasuya Sinha

Ms. Mayukhi Mitra

... for the State

Learned Counsel for the petitioner submits he is in custody for over 900 days. No witnesses have been examined as yet. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for examination of witnesses on 8th September, 2023.

We have considered the materials on record. Allegations are very grave. Petitioner had committed penetrative sexual assault on an eight year old child. There are ample materials implicating the petitioner. His bail prayer was rejected earlier on merits. Vulnerable witness is yet to be examined. Hence, 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 positively examine the witness on the next date fixed for examination and conclude the trial at an early date considering the mandate under Section 35(2) of the POCSO Act.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)