

11.08.2023.
14.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3163 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basudebpur P. S. Case No.77 of 2022 dated 05.06.2022 under Section 6 of the POCSO Act and under Sections 376DA/363/342 of the Indian Penal Code.

In the matter of : Som Mondal.

... Petitioner.

Mr. Arindam Sen,
Mr. Saurav Basu.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

1. Petitioner is in custody for more than 400 days. He submits victim had not identified him as the assailant. He is not named in the FIR. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim is a minor and was going raped.
3. We have considered the materials on record. Victim alleges she had been raped. Her deposition is yet to be recorded.
4. In view of the nature of offence and as vulnerable witness is yet to be examined, we are not inclined to grant bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.
6. Trial Court is requested to conduct the trial with utmost expedition and record the evidence of the victim at the earliest.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)