

18.08.2023
Sl. No.14
akd
[Rejected]

C. R. M. (DB) 3247 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.08.2023 in connection with Howrah Women Police Station Case No.61 of 2018 dated 07.09.2018 under Sections 376/506/315/201 of the Indian Penal Code, Sections 4/6/8/12 of the POCSO Act and Sections 5(4)/7(3) of the Medical Termination of Pregnancy Act.

And

In Re: ***Niranjana Maity***

... .. Petitioner

Mr. Suman De
Ms. Afreen Begum

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted Special Court had not taken cognizance of the offence and there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits the stepdaughter of the petitioner was raped. As a result, she became pregnant and was illegally aborted. Date has been fixed for examination of the stepdaughter and the complainant on 19.08.2023.
3. We have considered the materials on record. Allegations are very serious. Petitioner is the stepfather of the minor victim. It is alleged she was raped and had become pregnant. Thereafter, the fetus was aborted. Vulnerable witness i.e. the minor is yet to be examined. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed to examine the minor victim at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)