

05.09.2023

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rejected

C.R.M.(DB) No. 3262 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Women Police Station Case No. 152 of 2017 dated 24.07.2017 under Sections 370/376D of the Indian Penal Code read with Sections 6/14 of the POCSO Act.

And

In Re : Ujjal @ Shyam Sundar Mandal petitioner

Mr. Minoti Gomes
Mr. Abdur Rakib
Mr. Saikat Chatterjee
Mr. Puranjan Pal

... for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. A. Ganguly
Mr. Arani Bhattacharyya

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. It is contended that there is delay in trial. He prays for bail.

2. Learned Counsel for the State submits report.

3. From the report it appears that trial has substantially progressed. Only medical officers and investigating officers are to be examined. Date has been fixed for examination of the medical officers. In view of nature of crime, involving of sexual violence on minor and as trial is at its fag end, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. Trial court is directed to examine the medical officers and investigating officers on the date fixed and conclude the trial positively within three months from the next date fixed for recording evidence. Trial court shall resort to examination of the witnesses via video linkage if the medical officers and investigating officers are unable to physically attend the court due to official commitment.

6. Parties shall communicate to the trial court for necessary compliance.

7. Personal appearance of the Investigating Officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)