

23.08.2023
Sl. No.36
akd
[Rejected]

C. R. M. (DB) 3302 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Topsia Police Station Case No.138 of 2016 dated 22.09.2016 under Sections 376D/506(II) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Babai Das @ Ariyan***

... .. Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

... .. for the petitioner

Mr. Saswata Gopal Mukherji .. Id. Public Prosecutor
Mr. Parthapratim Das
Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted there is delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected on merits in February, 2023.
3. We have considered the materials on record. Petitioner is the principal accused. He does not stand on the same footing with co-accused who has been enlarged on bail. His bail prayer was rejected in February, 2023. Trial court was directed to expedite the trial. On the next day, two witnesses have been examined. Thereafter, on one date trial Judge was absent and on another date co-accused was absent.
4. Under such circumstances, we are of the opinion prosecution cannot be said to be lax and has examined two witnesses in the meantime.

Accordingly, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)