

31.08.2023
Sl. No.25
akd
[Rejected]

C. R. M. (DB) 3402 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Ekbalpore Police Station Case No.39 of 2020 dated 07.02.2020 under Section 376DA of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And

In Re: ***Ritik Ram***

... .. Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is a young boy from Jharkhand. He is not acquainted with the principal accused viz. Rahul and Manoj. He knew one Vikash Mallick was with him on the fateful day. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits evidence of the victim in court has clearly disclosed presence of the petitioner at the time of commission of rape.
3. We have considered the materials on record. Case involves gang rape of the victim. In her deposition, the victim categorically stated petitioner was present at the place of occurrence. Issue raised with regard to belated arrest and other technical irregularities do not go to the heart of the prosecution case that the victim had been taken to the residence of a co-accused and raped. Offences, if proved, would attract mandatory life imprisonment. Trial has progressed considerably. Bail was granted to co-accused who was not present

at the place of occurrence. In view of the aforesaid circumstances, gravity of offence and involvement of the petitioner therein, we are not inclined to grant bail to the petitioner at this stage.

4. The application for bail is thus rejected.
5. We take note petitioner is in custody for a protracted period of time. Hence, trial court is directed to conclude the trial at an early date preferably within two years from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)