

05.09.2023
28
sdas
rejected

C.R.M.(DB) No. 3462 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 279 of 2020 dated 24.03.2020 under Section 376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Manirul Middey petitioner

Mr. Soumya Basu Roy Chowdhuri
....for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
..... for the State

1. Learned Counsel for the petitioner submits that he is in custody for three years and five months. It is also submitted there is slow progress in the matter. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits minor victim was raped by the petitioner.

3. We have considered the materials on record. Evidence of the minor implicates the petitioner in the offence of penetrative sexual assault. Her deposition is corroborated by medical evidence. Under such circumstances and in view of gravity of the offence we are not inclined to grant bail to the petitioner.

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

5. Trial court is directed to conclude the trial as expeditiously as possible preferably within one year from the next

date fixed of recording evidence without granting unnecessary adjournment to either of the parties.

6. Parties shall co-operate with the trial court in this regard.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)