

22.09.2023.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3506 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No.667 of 2022 dated 30.04.2022 under Section 6 of the POCSO Act and Section 376 AB of the Indian Penal Code.

In the matter of : **Raju Das.**

... Petitioner.

Mr. Aniket Mitra,
Mr. Swarvanu Saha,
Ms. Nandini Chatterjee,

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

1. Petitioner is in custody for over 506 days. He submits evidence of the minor is contradictory. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have examined the evidence of minor. During chief the minor stated she was subjected to penetrative sexual assault. During cross she admitted the suggestion made by the defence Advocate that she had not been sexually violated. Victim is a 8-9 year old girl. Some latitude requires to be given to her deposition. Her evidence in chief is corroborated by her mother (PW 2).
4. Hence, we are not inclined to grant to bail to the petitioner.
5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the trial Court to conclude the trial as expeditiously as possible preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

7. Parties shall communicate this order to the trial Court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)