

04.10.2023
Sl. No.18
akd
[Rejected]

C. R. M. (DB) 3562 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Baruipur Women Police Station Case No.07 of 2021 dated 13.01.2021 under Sections 376AB/376(2)(f) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Manik Naskar***

... .. Petitioner

Mr. Subhamoy Bhattacharya
Mr. Shankar Mukherjee
Mr. Utsav Ganguly

... .. for the petitioner

Mr. Avik Ghatak
Mr. Aniruddha Bhattacharya
Mrs. Soumitra Karmakar

... .. for the de-facto complainant

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subroto Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for two years and eight months. It is further submitted petitioner is a septuagenarian and may be released on bail till the completion of trial.
2. Report is placed on record. From the report it appears trial is at its fag-end. Cross-examination of the Investigating Officer is fixed on 16.10.2023.
3. We have considered the materials on record. Allegation is of penetrative sexual assault on a minor. Apart from the age and other ameliorating circumstances pertaining to the accused, gravity of the offence and the evidence adduced during trial must also be borne in mind while considering bail prayer. Stage of trial is equally relevant. Keeping these factors in mind particularly the fact that trial is at its

fag-end, we do not consider it prudent to enlarge the petitioner on bail.

4. The application for bail is thus rejected.
5. Trial court is directed to conclude the trial as expeditiously as possible preferably within four months 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.)