

04.10.2023
Sl. No.23
akd
[Rejected]

C. R. M. (DB) 3653 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Bishnupur Police Station Case No.258 of 2019 dated 11.04.2019 under Section 376(2)(i) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Akash Das**

... .. Petitioner

Mr. Deepak Prahladka

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is delay in trial. Evidence of the witnesses also suffers from inherent contradictions and improbabilities. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is a four-year old child. She deposed she had been raped by the petitioner. Other witnesses have also corroborated her. Trial is at its fag-end.
3. We have considered the materials on record. We have also considered the evidence of the victim and other witnesses on record. There is substantial corroboration from other witnesses with regard to rape. Issues raised on behalf of the defence may be addressed during arguments. Trial has reached at a mature stage and only two witnesses are left to be examined. Offence, if proved, would attract mandatory life imprisonment. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six 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.)