

17.10.2023  
Sl. No.19  
**akd**  
[Rejected]

**C. R. M. (DB) 3848 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2023 in connection with Maheshtala Police Station Case No.250 of 2018 dated 22.04.2018 under Section 376(2)(f)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Mukunda Dinda***

... .. Petitioner

Mr. Deepak Prahladka

... .. for the petitioner

Mr. Swakshar Kumar Mondal

... .. for the de-facto complainant

Ms. Zareen N. Khan

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted victim has been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State also opposes the prayer for bail and submits petitioner is the father of the minor and had subjected the child to penetrative sexual assault.
3. Learned Advocate for the de-facto complainant does not oppose the bail prayer.
4. We have considered the materials on record. Evidence of the minor shows she had been subjected to penetrative sexual assault. Owing to fiduciary relationship between the parties it is possible she had been persuaded not to oppose the bail prayer. Materials on record disclose an offence which would attract life imprisonment till the end of the natural life of the petitioner. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.
6. Trial court is directed to conduct the trial as expeditiously as possible 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.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**