

20.11.2023
Sl. No.18
akd
[Rejected]

C. R. M. (DB) 3878 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 in connection with Madhyamgram Police Station Case No.245 of 2022 dated 17.05.2022 under Sections 376AB/376(2)(n)/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Rejaul Rahaman @ Bappa***

... .. Petitioner

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Neelanjana Ghorui
Ms. Sarmistha Basak

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Sayanti Santra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about eighteen months. It is further submitted allegation of forcible rape is patently absurd. Place of occurrence is a room which is occupied by six persons. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is a minor and was forcibly raped.
3. We have considered the materials on record including the evidence of the minor victim. The victim in her examination-in-chief stated the room was empty at the time of commission of rape. Her evidence prima facie supports the prosecution case. Under such circumstances and in view of gravity of the offence, 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 bearing in mind the statutory mandate under Section 35(2) of the POCSO Act 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.)