

17.10.2023
tkm/ct 28
sl no. 48

C.R.M. (DB) 4082 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhadreswar PS case no. 227 of 2021 dated 19.6.2021 under sections 376AB IPC read with section 6 of the POCSO Act

And

In Re : Krishna Nayek

...petitioner

Mr. Bitasok Banerjee

..... for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

1. Petitioner is in custody for more than two years. He submits there is delay in trial. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. He submits victim is a 5-year old child. Delay in the matter is due to the indifferent attitude of the public prosecutor and steps have been taken to replace the said prosecutor.
3. We have considered the materials on record. Allegations are serious and involve penetrative sexual assault on a 5-year old child.
4. In view of the gravity of the offences, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.
6. Necessary steps be taken to replace the prosecution forthwith and complete the trial at an early date.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)