

18.12.2023
Sl. No.80
akd
[Rejected]

C. R. M. (DB) 4180 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2023 in connection with Jamuria Police Station Case No.325 of 2018 dated 21.12.2018 under Sections 302/201/376/120B/376D of the Indian Penal Code and Sections 6/8/12/4 of the POCSO Act.

And

In Re: ***Sandip Burnwal @ Sonu***

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... .. for the petitioner

Mrs. Rituparna Ghosh

... .. for the de-facto complainant

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 five years. It is further submitted there is slow progress in trial. Most of the witnesses have turned hostile. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits forensic report shows presence of semen of the petitioner on the vaginal swab of the victim. She was murdered.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Clinching evidence in the form of DNA report shows sexual intercourse between the petitioner and the victim. She had been murdered. In view of the aforesaid clinching materials and gravity of the offence, 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 expedite the trial and conclude the same at an early date.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)