

13.12.2023
Item No.130
Ct. No. 5
CHC
(Rejected)

C.R.M.(DB) 4231 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO No.58 of 2022 arising out of **Basudebpur** Police Station Case No.**77** of **2022** dated **05.06.2022** under Sections **376DA/363/323/342/34** of the Indian Penal Code, 1860 read with Section **6** of the Protection of Children From Sexual Offences Act, 2012.

And

In the matter of: Akhtar Alam Mondal @ Aktar
Alam Mondal @ Aktar Alam
..... petitioner

Mr. Shibaji Kumar Das
....for the petitioner

Mr. Arijit Ganguly,
Ms. Puspita Saha
....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 1 year and 8 months, without the possibility of the trial concluding any time soon. He submits that first prosecution witness is yet to be examined.

Learned advocate appearing for the State draws the attention of the Court to an order dated August 11, 2023 passed in C.R.M.(DB) 3163 of 2023 in respect of co-accused. She submits that, there is statement recorded by the victim

under Section 164 of the Criminal Procedure Code where, the petitioner before us is named.

The statement of the victim recorded under Section 164 of the Criminal Procedure Code squarely implicates the petitioner in the offence of rape on her. The victim is a minor.

Trial commenced with the next dates at the trial, as the Court is informed are fixed on January 30, 2024 and January 31, 2024 for recording the evidence of the prosecution.

In view of the materials in the Case Diary, the gravity of the offence and involvement of the petitioner therein, and the fact that evidence of the prosecution is yet to be concluded we are unable to grant bail to the petitioner.

C.R.M.(DB) 4231 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)