

28.11.2023
Sl. No.37
akd
[Rejected]

C. R. M. (DB) 4235 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2023 in connection with Baranagar Police Station Case No.439 of 2021 dated 15.08.2021 under Sections 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In Re: ***Pritam @ Preetam Paul @ Deepjyoti @ Dipjyoti @ Deepjoti Paul @ Pal***

... .. Petitioner

Mr. Shibaji Kumar Das

... .. for the petitioner

Md. Anwar Hossain
Ms. Baisakhi Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Offence involves penetrative sexual assault upon a minor. Minor victim has not been examined as yet. Petitioner does not stand on the same footing with co-accused who has been enlarged on bail. Under such circumstances, 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 expedite the trial and examine the victim at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

