

19.12.202365
tkm/ct 28
sl no. 89

C.R.M. (DB) 4465 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda PS case no. 235 of 2021 dated 20.5.2021 under sections 377/506 IPC read with section 6 of the POCSO Act

And

In Re : Dipak Roy @ Dipak Kumar Roy ...petitioner

Mr. Apalak Basu

Mr. N Ahmed

Ms. S Mridha

..... for the petitioner

Mr. Sudip Ghosh

Md. Kutubuddin

..... for the State

1. Petitioner is in custody for more than two years. He contends there is delay in trial. He prays for bail.

2. Learned lawyer for the State submits report.

3. We have considered the report. Delay in the matter is due to absence of judicial personnel in court. Evidence of the victim implicates the petitioner in the offence of penetrative sexual assault.

4. In view of the gravity of offence and as delay is not at the behest of the prosecution and offence if proved shall attract severe punishment i.e. at least 20 years rigorous imprisonment, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, prayer for bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)