

20.01.2023
tkm/ct 28
sl no.15

C.R.M. (DB) 4601 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 141 of 2021 dated 31.3.2021 under Sections 376(2)(n)(3)/447/323/325/506/34 of the IPC and section 6 of the POCSO Act

And

In Re : Hafijul Sardar @ Balal

..... petitioner

Ms. U S Chattopadhyay
Mr. S S Chattopadhyay
Ms. Trisha Rakshit

..... for the petitioner

Md. Sabir Ahmed

..... for the Victim

Mr. N Ahmed

Ms. Ayantika Roy

..... for the State

Petitioner is in custody for more than one year. It is submitted the victim has been examined. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

Learned lawyer for the victim also opposes the bail prayer. He submits co-accuseds and others who have been enlarged on bail, are threatening her and her family members.

We have considered the materials on record. Evidence of the victim implicates the petitioner and co-accuseds.

In view of the aforesaid circumstances and the possibility of intimidation upon the victim and her family, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

We give liberty to the State and/or victim to seek appropriate relief against the co-accuseds in accordance with law, if so advised.

Officer-in-Charge, Kashipur P.S shall extend necessary protection to the victim and her family.

Trial court is directed to expedite the trial and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)