

30.01.2023.
30.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4606 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garden P.S. Case No.131 of 2022 dated 01.08.2022 under Sections 341/506 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

In the matter of : Bali Charan Kundu.

... Petitioner.

Mr. Ajit Kr. Barat,
Mr. Anil Kr. Das,
Mrs. Keya Banerjee.

...for the Petitioner.

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata.

...for the State.

Petitioner is in custody for more than 200 days. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Survivor is a 12 year old girl. She has implicated the petitioner in the offence of aggravated sexual assault.

Under such circumstances and as the victim is yet to be examined, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is requested to consider the issue of framing of charge at the earliest and in the event charge is framed to take the proceeding to its logical conclusion without granting any unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

