

10.03.2023.
10.
as
(Rejected)

C.R.M. (DB) 137 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitai P.S. Case No.04 of 2016 dated 20.01.2016 under Sections 302/201/376(2)(i) of the Indian Penal Code read with Section 6 of the POCSO Act and charge sheet submitted under Sections 302/201/376(A) of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Rafiqul Mia. ... Petitioner.

Mr. Anirban Banerjee,
Ms. Sriya Basu.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Kallol Nag.

...for the State.

Petitioner is in custody for more than 7 years. He prays
for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Report is placed on record. From the report, it appears evidence of prosecution witnesses were closed and matter was fixed for delivery of judgment. At this stage, trial judge summoned the Nodal Officer of Bharti Airtel Ltd. to produce certificate under Section 65B of the Evidence Act. Date has been fixed for recording evidence of the prosecution witness on 15th March,

2023. The case involves murder and gang rape of a minor. Allegations are very serious. Trial is at its fag end.

Keeping in mind the gravity of offence, we are not inclined to grant bail to the petitioner.

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

We request the trial court to conclude the trial at an early date positively within three months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)