

01.05.2023
KC (3)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 151 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure.

In the Matter of : Dhiren Barman

.... petitioner.

Mr. Joydeep Kanta Bhowmick,
Mr. Sayantan Bhowmik.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A. P. P.,
Mr. Kallol NagFor the State.

Ms. Rima Sarkar..... For the de-facto
complainant.

The alleged offence complained of is very grievous and heinous.

The accusation is that the petitioner raped the victim, a 12 years' old girl on 2nd May, 2022. The medical examination was made on the day following the incident on 3rd May, 2022. The medical report indicated hymen rupture, although learned counsel for the petitioner submits that the medical report has not found any injury. The petitioner accused is 60 years of age.

The charge-sheet was filed on 29th June, 2022. An earlier application for bail by the petitioner was rejected by this court on 1st September, 2022.

The grievance of the petitioner is that the learned court below has not framed charges till date although no adjournment was taken on his client's behalf.

Considering all the circumstances, we reject this application for bail. At the same time we observe and direct that the learned court below shall proceed expeditiously with the trial so that it is concluded preferably within three months from date. If the trial is protracted, liberty is granted to the petitioner to apply for bail afresh.

The application for bail [CRM (DB) 151 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

