

24.08.2023
Court No.1
Item No.18
(sg/KS)

CRM (DB) 472 of 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Matigara Police Station Case No.939 of 2019 dated 05.11.2019 under Section 6 of the POCSO Act read with Sections 323/34 of the Indian Penal Code adding Section 363/365 of the IPC.

And

In the matter of: Ashis Roy
.....Petitioner.

Mr. Swarup Das

For the Petitioner.

Mr. Nilay Chakraborty
Mr. S. S. Sikdar

For the State.

1. Upon considering the materials placed before us including the extract of the medical examination report of the victim girl, who was aged about 13 years at the time of the alleged offence, we are not inclined to grant the prayer for bail. The gravity of the alleged offence is also one of the reasons for our view. We also note that out of 14 witnesses, three (3) have already been examined and the next date is fixed on 4th September, 2023.
2. However, considering the long detention of the petitioner, who is in custody for almost four years, we request the learned Trial Court to expedite the trial.

The petitioner shall be entitled to pray for appropriate orders, if there is continuing delay in the trial.

3. CRM (DB) 472 of 2023 is accordingly rejected in terms of the above reasons.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)