

01.02.2024.
23.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 75 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S. Case No.26 of 2023 dated 21.01.2023 under Section 6 of the POCSO Act.

In the matter of : **Saidul Mondal @ Sahidur Ali Mondal.**
... Petitioner.

Mr. Habibur Rahman,
Mr. Karabi Roy,
Ms. Jasika Alam,
Mr. Archisman Singh.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Anandya Sundar Chatterjee.

...for the State.

Ms. Sananda Bhattacharyya.
..for the de-facto complainant.

1. Petitioner is in custody for more than a year.
Hence, he renews his bail prayer on the ground of delay.

2. Learned Advocate for the State opposes the bail prayer. He contends trial is in progress. Victim is yet to be examined.

3. Learned Advocate for the de-facto complainant also opposes the bail prayer.

4. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Trial has already commenced and examination of PW 1 is in progress. Victim is yet to be examined.

5. Under such circumstances and in view of gravity of offence, we are not inclined to grant bail to the petitioner at this stage.

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

7. We request the trial court to examine the victim at the earliest.

8. Parties shall co-operate and communicate the order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)