

30.01.2024
tkm/ct 28
sl no. 38

C.R.M. (DB) 262 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Sonarpur P.S. Case No. 720 of 2021 dated 28.8.2021 under sections 377/323/506/34 IPC and section 6 of the POCSO Act

And

In Re : Somnath Chakraborty petitioner

Mr. S Chowdhury

..... for the petitioner

Mr. S Bardhan

Mr. Mausumi Sarkar

..... for the State

1. Petitioner is in custody for more than two years. He contends he is not the principal offender. He prays for bail.
2. Learned lawyer for the State opposes the bail payer. He submits petitioner is in-charge of the Home where the victim had been kept. With aid and abetment of the petitioner co-accused Tarak had raped the children.
3. We have considered the materials on record. We have also examined the evidence of the minor victims. They state that the petitioner used to physically assault them and one Tarak had committed rape on them.
4. Keeping in mind the materials on record and gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
5. Accordingly, prayer for bail is rejected.
6. Trial court is requested to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)