

01.02.2024
Sl. No.48
akd
[Rejected]

C. R. M. (DB) 312 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.01.2024 in connection with Haroa Police Station Case No.53 of 2021 dated 12.02.2021 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Siddhi Mondal***

... .. Petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Faruque
Mr. Jyotirmoy Talukdar

... .. for the petitioner

Mr. Debasish Ray .. Id. Public Prosecutor
Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is inordinate delay in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits delay in the matter is due to absence of the Presiding Officer in court.
3. We have considered the materials on record. Minor victim implicated the petitioner in the offence of penetrative sexual assault. On merits his bail prayer was rejected earlier in July, 2023. Thereafter, trial proceeded and four more witnesses were examined. It cannot be said that prosecution was lax in examining witnesses. Since then the court has fallen vacant. This has caused the delay. Prosecution is not responsible for the delay. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

