

01.02.2024
Sl. No.43
akd
[Rejected]

C. R. M. (DB) 307 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2024 in connection with Tehatta Police Station Case No.239 of 2020 dated 23.06.2020 under Section 376AB of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Dilip Banik***

... .. Petitioner

Mr. Manas Das
Mr. Tushar Sil

... .. for the petitioner

Mr. Ashok Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over three years. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits minor victim has implicated the petitioner in the crime.
3. We have considered the materials on record including the statement of the minor. She stated she was subjected to penetrative sexual assault by the petitioner. Trial is in progress. Under such circumstances and gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

