

31.01.2024

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rejected

C.R.M.(DB) No. 279 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 303 of 2020 dated 24.07.2020 under Sections 363/376(2)(1) of the Indian Penal Code.

And

In Re : Panchu Das Petitioner

Mr. Asraf Mandal

....for the petitioner

Mr. Bitasok Banerjee

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted examination of the victim was deferred due to non-production of the alamat. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits next date has been fixed for examination of the victim in March, 2024. Supplementary affidavit enclosing alamat has been placed on record.

3. We have considered the materials on record. Statement of the minor victim implicates the petitioner in the offence of penetrative sexual assault. Minor victim has been examined in part. Her examination is yet to be concluded. Under such circumstances and in view of gravity of the 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 ensure conclusion of evidence of the minor victim on the next date fixed and if it is unable to do so positively within a fortnight thereof. Thereafter trial court shall take endeavour to conclude trial within six months.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)