

09.02.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 424 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk P.S. Case No. 480 of 2022 dated 7.6.2022 under sections 376(3)/354C IPC read with sections 4/6/15 of the POCSO Act

And

In Re : Shahruk @ Sharuk @ Saruk @ Musaraf @ Sk Musaraf
..... petitioner

Mr. Navanil De
Mr. S Dey

..... for the petitioner

Ms. Faria Hossain
Mr. Asraf Mondal

..... for the State

Mr. Suman De
Mr. Debanshu Ghorai

..... for the de facto complainant

1. Petitioner is in custody for about two years. He contends vulnerable witnesses have been examined. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer. She submits five witnesses have already been examined.
3. Learned lawyer for the de facto complainant also opposes the bail prayer. He contends victim was blackmailed and raped. Her objectionable pictures were uploaded on a social networking site.
4. We have considered the materials on record. Victim (PW1) has implicated the petitioner in the crime. She also stated petitioner had uploaded her objectionable pictures. Investigating officer notified the social media site to bring down objectionable pictures.

5. In view of the aforesaid evidence on record implicating the petitioner in the offence of penetrative sexual assault and blackmail we are of the opinion this is not a fit case to grant bail to petitioner at this stage.
6. Accordingly, prayer for bail is rejected.
7. Trial court is requested to expedite the trial and conclude the same at early date preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)