

21.02.2024.
38.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 533 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.291 of 2021 dated 04.07.2021 under Sections 376/417/419 of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : **Jafirul Mallik.**

... Petitioner.

Mr. Sumanta Das,
Ms. Atreyee Halder.

...for the Petitioner.

Ms. Zareen N. Khan
Mrs. Manasi Roy.

...for the State.

1. Petitioner is in custody for two years and five months. He contends there was a romantic relationship between the parties. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. We have considered the materials on record including the evidence of the victim. Minor victim alleged that she was forcibly raped. She is silent with regard to any romantic relationship between the parties.

4. Hence, we are not inclined to grant bail to the petitioner on merits.

5. On the score of delay we note offence, if proved, would attract at least twenty years of rigorous imprisonment.

6. Accordingly, the prayer for bail of the petitioner is rejected.

7. We direct the trial court to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)