

20.03.2024
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rejected

C.R.M.(DB) No. 732 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bally Police Station Case No. 36 of 2023 dated 27.03.2023 under Sections 376(D)/341/342/328/34 of the Indian Penal Code read with Sections 4/6/7 of the POCSO Act Act.

And

In Re : Somnath Ray Petitioner

Ms. Devi Priya Mitra

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Asif Dewan

..... for the State

1. Learned Counsel for the petitioner submits he is in jail for about a year. It is also submitted he did not rape the victim. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner was present at the spot where victim was given a drink and thereafter she was raped by others.

3. We have considered the materials on record. Petitioner and others had acted in concert to commit the crime. Petitioner was present at the spot. Victim was given a drink and when she became unconscious. She was raped. Her deposition implicates

the petitioner in the case. Offence is grave and if proved would attract a minimum sentence of twenty years rigorous imprisonment. Under such circumstances, 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 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.)