

11.03.2024
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rejected

C.R.M.(DB) No. 766 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barabazar Police Station Case No. 83 of 2019 dated 06.08.2019 under Section 376DA of the Indian Penal Code adding Section 212 of the Indian Penal Code read with Section 6 of the POCSO Act.

In Re : Ganesh Karmakar And
..... petitioner

Mr. Navanil De
Mr. Srinjan Ghosh
....for the petitioner

Ms. Amita Gaur
... for the State

1. Learned Counsel for the petitioner submits allegation of forcible rape is false. Medical officer stated blood from the private parts of the victim is due to menstruation. Petitioner is in custody for more than four months. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits twenty four witnesses have been examined. She assures this Court trial shall be concluded within six months.

3. We have considered the materials on record. Evidence of the victim implicates the petitioner in the offence of gang rape. Her evidence is corroborated by other witnesses. Offences, if provide, would attract minimum sentence of twenty years. Under such circumstances and in the light of assurance

given by the State that trial would be concluded within six months subject to co-operation by the defence and systemic delays, we are not inclined to grant bail to the petitioner at this stage

4. Application for bail is, thus, rejected.

5. Parties shall co-operate with the trial and communicate this order to the trial court.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)