

15.03.2024
Sl. No.36
akd
[Rejected]

C. R. M. (DB) 829 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.03.2024 in connection with Kultali Police Station Case No.259 of 2022 dated 01.05.2022 under Sections 363/365/368/376DA of the Indian Penal Code and Section 6 of the POCSO Act and subsequently charge sheet submitted under Sections 363/365/368/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Amar Das**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and ten months. It is further submitted petitioner has been falsely implicated. Victim had voluntarily eloped with him. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the evidence of the victim. Victim is a minor. She stated petitioner is a married person and she was confined in his house for a month and raped. Trial is in progress. 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. Prosecution assures this court to conclude trial expeditiously.
6. Accordingly, trial court is directed to conclude trial expeditiously bearing in mind the statutory mandate under Section 35(2) of the POCSO Act.

7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)