

09.04.2024

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rejected

C.R.M.(DB) No. 881 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 119 of 2019 dated 20.04.2019 under Section 376(2)(i) of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Sankar Bapari alias Byapari petitioner

Mr. Tapas Kumar Ghosh

Mr. Tanmoy Chowdhury

....for the petitioner

Mr. Saryati Datta

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State submits report and contends date has been fixed for examination of the accused under Section 313 CrPc.

3. We have considered the materials on record. Prosecution alleges petitioner had subjected a minor to penetrative sexual assault. Trial is at its fag end. Prosecution assures this Court that trial shall be concluded within six months from the next date fixed for recording evidence subject to co-operation by the defence and systemic delays. In view of the aforesaid circumstances and the assurance given by the

learned Counsel for the State, we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial in view of assurance given by the learned Counsel for the State.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)