

03.07.2024
Item no. 51.
Court No.28.
AB
(Rejected)

CRM (DB) 1065 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women P.S. Case No.45 of 2020 dated 20.6.20 under Sections 376(2)(i) of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Sukumar Biswas

.....Petitioner.

Ms. Minoti Gomes,
Ms. Dona Sanyalfor the Petitioner.

Ms. Amita Gour
Mr. Atanu Ghoshfor the State.

Report filed on behalf of the State, be kept with the records.

The petitioner says that he is in custody for over four years now. He should be released immediately.

The State tells us that the victim girl and her mother, who have gone to Bangladesh, have been examined electronically. They have clearly implicated this petitioner. Only 2 or 3 witnesses remain to be examined. The incriminating evidence against the petitioner is overwhelming. The petitioner should not be enlarged on bail, at this stage.

While we are conscious that no under-trial can be kept in incarceration for an indefinite period of time only on the ground of the trial being pending, such right of an accused has to be weighed against the greater social interest. In this case, the

charge is grave. The prima facie evidence is more than sufficient. The trial is at an advanced stage. Hence, we are not inclined to allow the petitioner's prayer for bail immediately.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1065 of 2024 is dismissed.

We direct the learned Trial Court to do everything possible to expedite the trial and bring the same to its logical conclusion as soon as possible but positively within two months from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties.

We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The parties shall communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

