

09.05.2024.
32.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1350 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Gaighata P.S. Case No.361 of 2022 dated 21.04.2022 under Sections 342/376DA/120B of the Indian Penal Code and Sections 4/6 of the POCSO Act and charge sheet submitted under Sections 376(3)/342/120B of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : **Basudeb Biswas.**

... Petitioner.

Md. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Tasnim Ahmed.

...for the Petitioner.

Mr. Arnab Chatterjee,
Mr. Sobham Gani.

...for the State.

1. Petitioner is in custody for more than two years. He submits there is slow progress in trial. Co-accused are on bail. There is embellishment in the statement of the victim vis-a-vis her statement before the Magistrate. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner does not stand on the same footing with co-accused who are on bail. Evidence of the victim corroborates her statement before police.

3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. He does not stand on the same footing with co-accused who are on bail. After rejection of bail by this Court, the case was delayed

due to systemic reasons i.e. the Presiding Officer was on verge of retirement.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of the petitioner is rejected.

6. We request the trial court to take prompt steps for examining the remaining witnesses and conclude the trial at an early date bearing in mind the mandate under Section 35 (2) of the POCSO Act.

7. Parties shall co-operate with the trial court and communicate this order for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)