

2.
04-07-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1516 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.1076 of 2022 dated 28-10-2022 under Sections 448/323/506(2) of the Indian Penal Code read with Sections 8/12 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Subhash Banik

.... Petitioner.

Ms. Minoti Gomes,
Ms. Dona Sanyal

... For the Petitioner.

Ms. Sayanti Santra,
Mr. Rafat Jahan

... For the State.

Mr. Somnath Adhikary

... For the defacto-complainant.

The petitioner renews his prayer for bail which was rejected twice earlier. He says that he has been falsely implicated. He has been in custody for 1 year 10 months. Trial is still continuing. He should be granted bail.

Learned advocates for the State and the defacto-complainant oppose the prayer. They say that 5 out of 10 witnesses have already been examined. July 08, 2024 has been fixed for next date for examination of two witnesses. There are sufficient incriminating evidence against the petitioner. The trial may be completed at an early date.

Considering the material on record and the gravity of the charge, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

However, considering that the petitioner has been in custody for quite some time, we direct the learned trial Court to conclude the trial as early as possible and positively within

four months from the next date fixed for recording of evidence.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The application for bail being CRM (DB) 1516 of 2024 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)