

13.06.2024
Item no.53.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1595 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Oishik Sarkar.

.....Petitioner.

Mr. Sandipan Ganguly, Ld. Sr. Adv.,
Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Santanu Das,
.....for the Petitioner.

Mr. Kallol Basu,
Mr. Apalak Basu,
Mr. A. Chakraborty,
...for the de facto complainant.
Mr. Bitasok Banerjee,
Mr. S. Nandy,
...for the State.

The allegation against the petitioner is under Section 4 of the Protection of Children from Sexual Offences Act. Charge-sheet has been submitted under Section 6/17 of the POCSO Act.

The petitioner says that he and the victim girl were very good friends and students of the same class in the same school. The relationship turned sour and, thereafter, a false complaint was lodged. He is in custody for 1 year and 21 days. Only the first prosecution witness is being examined. There is no possibility of early conclusion of the trial. He should be released on bail on such conditions as this Court may decide.

The State opposes the prayer for bail.

Mr. Basu, learned advocate appearing for the de facto complainant also vehemently opposes the prayer.

We have considered the material in the case diary including the statements of witnesses. The victim girl in her statement recorded under Section 164 Cr.P.C. clearly implicates the petitioner.

On an overall assessment of the nature and gravity of the charge and the material on record, we are not inclined to allow the petitioner's prayer for bail, at this stage.

The application for bail is, accordingly, rejected.

CRM (DB) 1595 of 2024 is dismissed.

However, since the petitioner has been in incarceration for quite some time and he is of tender age, we direct the learned Trial Court to expedite the trial to the fullest extent possible and bring the same to its logical conclusion at the earliest and in any event within a year from the next date fixed for recording of evidence, without granting unnecessary adjournments to either of the parties. In the event the trial is not concluded within the period indicated above, the petitioner may renew his prayer for bail.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)