

CRM (DB) 1600 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nabadwip Police Station** Case No. **46 of 2023** dated **29.01.2023** under Sections **376DB/120B/302/201/34** of the Indian Penal Code and **Section 6 of the POCSO** Act.

- A n d -

In the matter of : Somnath Pandit @ Mongal @ Mongaldip Thandar

.... Petitioner.

Mr. Sumanta Das,
Mrs. A. Halder,

... For the Petitioner.

Mr. Joydeep Biswas,
Mr. Subhajit Chowdhury,

... For the State.

The petitioner is one of the accused persons in a case registered under Sections 302/201 of IPC. Subsequently Sections 376DB/120B IPC and Section 6 of the POCSO Act were added.

The facts of the case are that the victim girl's mother used to reside on a railway platform along with the victim girl and a boy child. The petitioner and one Krishna Pandit enticed the victim girl after paying Rs. 500/- to the victim girl's mother. They committed rape on the minor child. The child died as a result. Hence, initiation of the case.

The petitioner says that he stands on the same footing as Krishna Pandit who has been granted bail by a coordinate bench by an order dated April 1, 2024 passed in CRM (DB) 955 of 2024. He says that he has been in custody for 1 year 4 months. Only 2 out of 22 witnesses have been examined. There is no possibility of

early conclusion of the trial. He should be enlarged on bail on such condition as this Court may deem fit and proper.

There is vehement objection to the prayer for bail on the part of the State. Our attention has been drawn to the statement of a local shop owner recorded under Section 164 Cr. P. C., who has stated that he saw the petitioner interacting with the victim girl's mother. Therefore, the petitioner, who has been named by this said witnesses, does not stand on the same footing as Krishna Pandit since Krishna's name does not appear in such witness statement. This is a heinous crime. The bail prayer should be rejected.

We have considered the facts and circumstances of the case and the material on record. The petitioner does not seem to be similarly circumstanced as Krishna Pandit. Hence, he cannot claim parity.

Considering the gravity of the offence and the prima facie incriminating material on record against the petitioner, we are not inclined to allow the petitioner's prayer for bail at this stage. However, since the petitioner has been in custody for substantial a length of time, we request the learned Trial Court to spare no efforts to expedite the trial and bring the same to its logical conclusion as early as possible and preferably within a year from the date of communication of this order to the learned Trial Court.

CRM (DB) 1600 of 2024 is, thus, disposed of.

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.)