

CRM (DB) 1599 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Garhbeta Police Station** Case No. **326 of 2023** dated **07.06.2023** under Sections **376(3)/376(3)/376(2)(f)** of the Indian Penal Code read with Section 6 of the POCSO.

- A n d -

In the matter of : Tanmoy Pratihar

.... Petitioner.

Mr. Syed S. Imam,
Mr. R. Mukherjee,
Md. Sk. Nezamuddin,

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Srilekha Chattopadhyay,

... For the State.

Mr. Samrat Choudhury,
Mr. Soumy Kanti Nag,

....for the defacto complainant.

The petitioner says that charge was framed on September 9, 2023. Still witness action has not begun. Diverse dates were fixed for recording of evidence of the victim girl. Nothing happened on those dates. He is in custody for 382 days.

Learned Advocates for the State and defacto complainant oppose the prayer for bail. They say that June 18, 2024, was fixed for recording the evidence of the victim girl. However, because of the resolution of the Bar, Court proceedings could not be held.

Our attention has been drawn to the material in the case diary. We have seen the statements of witnesses including that of the victim girl recorded under Sections 164/161 of the Code of Criminal Procedure. We have also seen the medical report. *Prima*

facie, there appear to be incriminating material against the petitioner. The victim girl is also yet to be examined. Hence, we are not inclined to allow the petitioners prayer for bail at this stage.

CRM (DB) 1599 of 2024 is, thus, dismissed.

However, since the petitioner is in custody for more than one year and importance of a citizen's fundamental right to personal liberty under Article 21 of the Constitution of India, cannot be over emphasized, we direct the learned Trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as expeditiously as possible without granting unnecessary adjournments to either of the parties.

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.)