

CRM (DB) 1644 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Malda Police Station** Case No. **170 of 2022** dated **23.04.2022** under Sections **363/34** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Julkar Sk. @ Julfikar Sk.,

.... Petitioner.

Mr. Rhiddhiman Mukherjee,
Mr. Arkaprabho Roy,

... For the Petitioner.

Mr. Zareen N. Khan,
Mr. T. Dhali,

... For the State.

The victim lady has been notified of this bail application by the State. Copy of the notice be kept with the records.

The petitioner says that he is in custody for two years two months. He has no connection with the alleged offence of raping a minor girl. He draws our attention to the deposition of the complainant who is the mother of the victim girl to the effect that : 'It is true that my daughter fled away with another person and to save the family reputation this case has been filed against Julfikar'. He prays for immediate bail.

Learned Advocate for the State draws our attention to the deposition of the victim girl recorded by the learned Trial Court. She stated that this petitioner forcibly kidnapped her and took her to a field where he committed rape upon her near the bypass and left her there after committing rape. There were two other persons with the petitioner.

Learned Advocate for the State says that 5 out of 13 witnesses have already been examined. In view of the *prima facie* incriminating evidence against the petitioner, he should not be enlarged on bail immediately.

We have seen the material on record including the deposition so far recorded. *Prima facie* the petitioner appears to be involved in the alleged offence. We are not inclined to grant bail to the petitioner at this stage.

CRM (DB) 1644 of 2024 is, thus, dismissed.

However, since the petitioner is in custody for quite some time, we direct the learned trial court to expedite the trial to the fullest extent and conclude the same at an early date and definitely within six months from the next date fixed for recording of evidence.

In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order to the learned Trial Court.

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.)