

27.06.2024
Item no.10.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1662 of 2024

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

And

In the matter of : Sk. Sakib @ Sk. Sakir.

.....Petitioner.

Mr. Dipankar Guha, ...for the petitioner.

Mr. Kalyan Kr. Chakraborty,
Mr. Gopal Krishna Sarkar,
Mr. Vivek Pandey,
.....for the de facto complainant.

Mr. Subrata Roy
Ms. Sonali Bhar, ...for the State.

The petitioner says that he is in custody for 2 years and 3 months. Only 6 out of 21 witnesses have been examined so far. He should be granted bail on the ground of inordinate delay in progress of the trial.

Learned advocate for the State produces the case diary.

We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. as also her deposition recorded before the learned Trial Court. She clearly narrates the heinous incident.

The petitioner is married person and is 31 years of age. The victim girl was ten years at the time of occurrence of the alleged offence.

In view of the incriminating evidence against the petitioner and the gravity and culpability of the alleged offence, we are not inclined to grant the petitioner's prayer for bail, at this stage.

CRM (DB) 1662 of 2024 is dismissed.

However, keeping in view that the right to personal liberty is a fundamental right, we direct the learned Trial Court to expedite the trial to the fullest and conclude the same within 8 months from the next date fixed for recording of evidence without granting any unnecessary adjournment to either of the parties.

We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

Let this order be communicated by the parties 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)