

13.
24-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1686 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Paikar Police Station Case No.62 of 2024 dated 06-03-2024 under Sections 363/376D and 120B of the Indian Penal Code and Section 6(1) of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Barkatulla Sekh alias Badsha Sekh
.... Petitioner.

Mr. Prosenjit Mukherjee
... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Santanu Talukder
... For the State.

Pursuant to our earlier order, the State has caused service of this bail application on the defacto-complainant as also the survivor girl.

The petitioner is one of several accused persons. The allegation is of gang rape. Section 6(1) of the POCSO Act has also been invoked as the petitioner was 17 years old at the time of the incident.

The petitioner says that he is innocent. He refers to the statement of the survivor girl recorded under Section 164 of the Code of Criminal Procedure as also the medical report. He says that he is in custody for 100 days. Charge is yet to be framed. He prays for bail.

While opposing the prayer for bail, learned advocate for the State draws our attention to the relevant material in the Case Diary. It cannot be said that *prima facie* there is no incriminating evidence against the petitioner. The charge is serious. We are not inclined to grant bail to the petitioner, at this stage.

The application for bail being CRM (DB) 1686 of 2024 is, thus, **dismissed**.

We request the learned trial Court to consider the issue of framing charge at an early date and if charges are framed, to carry the trial to its logical conclusion as soon as possible, without granting unnecessary adjournment to either of the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)