

20.06.2024
Item no.86.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 1702 of 2024

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

And

In the matter of : Tariful Purkait @ Tarikul.

.....Petitioner.

Mr. Aniket Mitra,
Mr. Majoffar Sk.,
Mr. Sayan Dutta,for the Petitioner.

Ms. Faria Hossain, Ld. APP,
Ms. Rajashree Tah, ...for the State.

Ms. Sohini Mukherjee,
..for the de facto complainant.

The charge is under Sections 6/15 of the POCSO Act read with Section 376 of the Indian Penal Code.

The petitioner renews his prayer for bail which was rejected earlier by a Co-ordinate Bench by an order dated August 16, 2023, passed in CRM (DB) 3037 of 2023.

The petitioner says that he had a love affair with the victim girl who was 17 years old at the time of the alleged incident. Now the girl is 19 years old and is married. All that happened between the petitioner and the victim girl was by consent. 14 dates were fixed for framing of charges but in vain. Nothing happened on those dates. He is in custody for one and a half years.

We are not a little surprised to find that charge could not be framed in spite of 14 dates having been fixed therefor.

Learned advocate for the State says that there appears to be some delay in the progress of the trial. However, there is sufficient incriminating evidence against the petitioner. She draws our attention to the material in the case diary. There is prima facie incriminating material against the petitioner.

There may be very strong evidence against the accused/petitioner. That does not mean that the petitioner will have to be kept in custody indefinitely even if the trial is delayed inordinately without any fault on the part of the accused.

Learned advocate for the victim appears and opposes the prayer for bail.

We are not inclined to release the petitioner on bail, at this stage.

CRM (DB) 1702 of 2024 is dismissed.

We direct the learned Trial Court to frame the charges within July 7, 2024, if necessary, by preponing any date that may have been fixed therefor. Thereafter the trial shall be expedited and shall be brought to its logical conclusion as early as possible keeping in mind that an undertrial cannot be kept in incarceration forever without ending the trial.

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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)