

13.
27-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 1700 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No.1602 of 2022 dated 25-11-2022 under Sections 448/376 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Ramen Sarkar @ Raman Sarkar

.... Petitioner.

Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon

... For the Petitioner.

Mr. S. S. Imam,
Ms. Nahid Ahmed

... For the State.

Affidavit-of-Service filed in Court today be taken on record.

The petitioner renews his prayer for bail which was rejected earlier by a coordinate Bench by an order December 22, 2023 passed in CRM (DB) 4752 of 2023.

The petitioner says that the victim girl has been examined. He is in custody for more than 18 months. He should be immediately enlarged on bail as there is no possibility of an early conclusion of the trial.

We see from the deposition of the victim girl recorded before the trial Court that she clearly implicates the petitioner. She was 14 years of age when the alleged incident occurred. The petitioner is presently about 40 years old.

In the facts and circumstances aforesaid, we are not inclined to enlarge the petitioner on bail immediately.

We are told by learned advocate for the State that 3 out of 15 witnesses have been examined. Keeping in mind that an undertrial cannot be kept in incarceration for an indefinite period of time, we direct the learned trial Court to expedite the trial to the fullest extent and complete the same within one year from the next date fixed for recording of evidence, without granting unnecessary adjournments to either of the parties.

We make it clear that if the trial is not completed within the time period stipulated above, the petitioner shall be at liberty to renew his prayer for bail.

The application for bail being CRM (DB) 1700 of 2024 is, thus, **dismissed**.

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.)