

19.06.2024
Item no. 72.
Court No.28.
as
(Rejected)

CRM (DB) 1796 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No.311 of 2023 Dated 29.04.2023 under Sections 376(2)(I)/511 of the Indian Penal Code and Section 10 of the POCSO Act.

And

In the matter of : Biswajit Sarkar @ Biswarup.

.....Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kr. Bhowmickfor the Petitioner.

Mr. Sudip Kumar
Mr. Santanu Deb Royfor the State.

Ms. Oindrila Ghosh
.....for the De-facto Complainant.

The charge is under Sections 376(2)(I)/511 of the Indian Penal Code read with Section 10 of the POCSO Act.

The petitioner says that he is innocent. He has been framed. He is in custody for one year one month and eighteen days. Witness action has not yet begun. He prays for bail.

Learned Advocate for the State strongly opposes the prayer for bail. It is pointed out that the victim girl can neither speak nor hear. Statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure has been shown to us. Although in such statement she could not name the person who committed the alleged offence, she described the heinous act. She also identified the petitioner in T. I. Parade.

In view of the *prima facie* incriminating material against the petitioner, we are not inclined to entertain the petitioner's prayer for bail at this stage.

However, since the petitioner is in custody for some time, we request the learned Trial court to expedite the trial to the extent possible.

The prayer for bail is, accordingly, rejected.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)