

CRM (DB) 1843 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sagarpara Police Station** Case No. **121 of 2023** dated **10.05.2023** under Sections **376AB** of the Indian Penal Code read with Section 6 of the POCSO Act.

- A n d -

In the matter of : Asit Mondal

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. D. Biswas,
Mrs. P. Bose,

... For the Petitioner.

Mr. Koushik Kundu,
Mr. A. Mukherjee,

... For the State.

The petitioner says that he is in custody for one year and one month. Charge was framed on October 6, 2023. Witness action has not yet begun. He should be granted bail immediately as it is anybody's guess when the trial will conclude.

Learned Advocate for the State produces the case diary. We have read the relevant material including the statement of the victim girl (five year old) recorded under Section 164 of the Code of Criminal Procedure. She clearly narrates the alleged incident which is shocking to say the least.

In view of the *prima facie* incriminating material against the petitioner and the nature and gravity of the alleged offence, we are not inclined to allow the petitioner's prayer for bail at this stage.

CRM (DB) 1843 of 2024 is, thus, dismissed.

However, the petitioner has been in custody for quite some time. Although there are 26 witnesses named in the charge sheet,

learned Advocate for the State on instructions, says that all of them may not be examined.

Be that as it may, keeping in mind the importance of the fundamental right of a citizen to personal liberty, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same at an early date and definitely within one year from the next date fixed by the learned Court. In the event, the learned Trial Court does not conclude the trial within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail. Parties are directed to communicate this order 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.)