

04.07.2024
Item no. 19.
Court No.28.
AB
(Rejected)

CRM (DB) 1858 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kasba P.S. Case No.81 of 2022 dated 11.3.2022 under Sections 376/506 of the Indian Penal Code read with Sections 4 /6 of the POCSO Act

And

In the matter of : Ganesh Naskar

.....Petitioner.

Mr. Benajir Hasna,
Ms. Puja Goswami,
Mr. Aliul Islamfor the Petitioner.

Ms. Faria Hossain,
Mr. Shiladitya Banerjeefor the State.

Mr. Somnath Banerjee,
Mr. Naba Kumar Das,
Ms. Diana Ghosh Dastidar,
Ms. Samarpita Mukherjee
....for the Opposite Party No.2.

Report filed on behalf of the State in Court today, be kept with the records.

The petitioner says that he has been falsely implicated. He is in custody for over two years and four months. Only 3 out of 14 witnesses have been examined. He prays for immediate bail.

The victim girl has already been examined by the learned Trial Court. Her deposition sufficiently implicates the petitioner. She narrates clearly the alleged incident of she being raped by the petitioner.

In view of the gravity of the offence (the victim was 13 years old at the time of the alleged offence) and the prima facie involvement of the petitioner therein, we are not inclined to entertain the petitioner's prayer for bail.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1858 of 2024 is dismissed.

However, since the petitioner has been in custody for quite some time, we direct the learned Trial Court to conclude the trial as early as possible but positively within a year from the next date fixed for recording of evidence, without granting any unnecessary adjournment to either of the parties.

We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

The parties shall 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

