

CRM (DB) 1949 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sonarpur GRPS Police Station** Case No. **27 of 2016** dated **19.08.2016** under Section **376D/120B** of Indian Penal Code and Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Hossain Molla @ Raj @ Dabbu @ Rahul & Anr.

.... Petitioners.

Mr. Deepak Prahladka,
Mrs. Reshmi Khatun,

... For the Petitioners.

Mrs. Sayanti Santra,
Mr. Sudipa Biswas,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. We are told that because of the law and order problem that happened in the State on August 27, 2024, the Investigating Officer could not present himself for being cross-examined on that date. The next date fixed is November 5, 2024. The fact that there was a serious law and order problem on August 27, 2024 is public knowledge. Hence, there may have been sufficient reason for the Investigating Officer not to be present before the learned Trial Court.

2. The petitioners are in custody for more than eight years. Ordinarily, on that ground alone we may have enlarged them on bail. However, we find from the material on record that there is sufficient incriminating material against them.

3. Therefore, we are not inclined to enlarge the petitioners on bail.

4. CRM (DB) 1949 of 2024 is, thus, dismissed.

5. We direct the learned Trial Court to do everything that may be necessary for concluding the trial by delivering judgment by the end of September, 2024. For that purpose, the next date for examination should be preponed appropriately. The time period indicated herein must be strictly adhered to in view of the already long incarceration of the petitioners.

6. Parties and the Learned Registrar General of this Court shall communicate this order immediately to the learned Trial Court.

7. 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.)