

13.
Court
No.28

22.08.2024
(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2095 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Garhbeta P.S. Case No. 99/2023 dated 07.02.2023.
And

In the matter of: - **Maharaj Chalak** ...petitioner.
Mr. Arindam Jana
Mr. S.K. Toslim Ali ...for the petitioner.
Mr. Anwar Hossain
Ms. Manisha Sharma ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. He is not connected with the alleged incident. He is in judicial custody for one year and four months. There are 12 witnesses named in the charge-sheet. There is no possibility of an early conclusion of the trial.
2. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary including the statement of the victim girl, who was about 18 years of age at the time of the incident, recorded under Section 164 of the Code of Criminal Procedure, 1973. The victim lady is deaf and dumb. She recorded her statement through special educator. She vividly described as to how the petitioner disrobed her and then ravished her.

3. We have also seen the statement of an independent witness recorded under Section 164 of the Code of Criminal Procedure, 1973. He says that he saw the petitioner carrying the victim lady on his bicycle on the day of the incident.
4. Given the *prima facie* incriminating evidence against the petitioner and the serious nature of the alleged crime, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. The application being CRM (DB) 2095 of 2024 is accordingly dismissed.
6. However, since the petitioner is in custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same at an early date and definitely within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.
7. This order shall be immediately communicated by the parties to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)