

19.09.2024
Item no. 05.
Court No.28.
AB
(Rejected)

CRM (DB) 2183 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Taherpur Police Station Case No.575 of 2023 Dated 18.11.2023 under Sections 363/506/34 of the Indian Penal Code read with Section 12 of the POCSO Act

And

In the matter of : Amarnath Rajak & Anr.

.....Petitioners.

Md. Farhaduddin,
Mr. S. M. Masud,
Ms. S. Nasrinfor the Petitioners.

Mrs. Baishali Basu,
Mr. Amanul Islamfor the State.

Ms. Sananda Bhattacharya
....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they are in custody for eight months. They say that they have been falsely implicated. There was a love affair between one of them and the 13 year old victim girl. They pray for bail.
2. Learned Advocates for the State and the defacto complainant oppose the prayer for bail.
3. We have seen the deposition of the victim girl recorded by the learned Trial Court. She clearly states that she was abducted by the petitioner no.1 and then handed over to the petitioner no.2. The petitioners took her to some other place. They, however, could not commit rape on her for the reasons

stated by her. However, the petitioners touched private parts of the victim girl.

4. Depositions of the prosecution witnesses, examined so far, be kept with the records.

5. In view of the gravity of the offence, we are not inclined to entertain the petitioners' prayer for bail, at this stage.

6. The prayer for bail is rejected.

7. CRM (DB) 2183 of 2024 is dismissed.

8. We are told that 4 out of 13 charge sheet named witnesses have already been examined. We request the learned Trial Court to expedite the trial to the extent possible and conclude the same at an early date and preferably within eight months from the next date fixed for recording of evidence.

9. The parties shall communicate this order to the learned Trial Court.

10. 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.)

