

22.08.2024
Item no. 20.
Court No.28.
AB
(Rejected)

CRM (DB) 2282 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.435 of 2023 dated 2.7.2023 under Sections 376(3) of the Indian Penal Code read with Section 4 of the POCSO Act and Section 9/10/11 of the Prohibition of Child Marriage Act

And

In the matter of : Nur Alam Sk. @ Nuralam Sk.

.....Petitioner.

Mr. Tapodip Gupta
Mr. Suman Bhanjafor the Petitioner.

Mr. Provas Bhattacharya
Ms. Sonali Bharfor the State.

Ms. Shabana Hasin,
Ms. Samima Akhtar Banu
Ms. Neha Royfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected on January 24, 2024. He says that he is in custody for about ten months. Beyond filing of charge sheet, nothing has progressed in the trial. In fact, trial has not begun.
2. Learned Advocate, while opposing the prayer for bail, says that six other accused persons are absconding. Therefore, there has not been any progress in the trial. Learned Advocate draws our attention to the

statement of the victim girl recorded under Section 164 Cr.P.C. She clearly implicates this petitioner.

3. In view of the prima facie incriminating material against the petitioner, we are not inclined to grant bail to him, at this stage.
4. The prayer for bail is, accordingly, rejected.
5. CRM (DB) 2282 of 2024 is dismissed.
6. However, the petitioner cannot be kept in incarceration for an indefinite period of time. The learned Trial Court is directed to split up the trial in accordance with law and proceed with the matter against this petitioner in accordance with law. Insofar as this petitioner is concerned, if charge is framed, the trial should be concluded within 18 months from date.
7. The parties shall communicate this order to the learned Trial Court.
8. 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.)

