

19. Court No.28 29.08.2024 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2351 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 Technocity P.S. Case No. 10/2023 dated 19.01.2023.

And

In the matter of: - **Prosenjit Mondal**

Mr. Santanu Talukdar
Mr. Manojit Debnath

...for the petitioner.

Ms. Minoti Gomes
Ms. Sreetama Das

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been languishing in the judicial custody for one year and eight months. There is no incriminating material against him. The victim did not mention his name at the time of her statement recorded under Section 164 of the Code of Criminal Procedure, 1973. Considering the period of his detention and also the fact that vulnerable witnesses have been examined, he may be granted bail on any condition that this Court may direct.
2. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating evidences against the present petitioner. The petitioner's prayer for bail should be rejected.

3. We have considered the deposition of vulnerable witnesses particularly the evidence of the victim girl who was aged about 10 years at the relevant point of time. We find that the victim did not state the name of the accused before the learned Judicial Magistrate who recorded her statement under Section 164 of the Code of Criminal Procedure, 1973. The victim identified the accused before the Trial Court during her deposition. We have also considered the medical report.
4. In view of the above, we are not inclined to allow the petitioner's prayer for bail at this stage.
5. The application being CRM (DB) 2351 of 2024 is accordingly dismissed.
6. However, the petitioner is in custody for one year and eight months. We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same within one year from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.
7. This order shall be communicated by the parties to the learned Trial Court immediately.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)