

22.08.2024
Item no.39.
Court No.28.
S. De
(Rejected)

CRM (DB) No. 2409 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Anisur Ali @ Aneshur Ali.

.....Petitioner.

Mr. Kaushik Choudhury,for the Petitioner.

Ms. Shreyashee Biswas,
Mr. Ivan Roy,for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. In spite of service, nobody appears for the de facto complainant/victim girl.
2. The petitioner renews his prayer for bail which was rejected by an order dated April 1, 2024. At that time a co-ordinate Bench had directed the learned Trial Court to examine vulnerable witnesses preferably on the next date fixed and positively within thirty days of the next date fixed.
3. Learned advocate for the petitioner says that till date vulnerable witnesses have not been examined. The petitioner is in custody for 1 year and 2 months.
4. Learned advocate for the State while opposing the prayer for bail says that the order dated April 1,

2024, passed by a co-ordinate Bench was communicated to the learned Trial Court only on June 25, 2024. September 23, 2024 has been fixed as the date for examination of the victim girl.

5. The allegations are serious. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. She clearly implicates the petitioner at least of attempted rape.
6. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
7. CRM (DB) 2409 of 2024 is dismissed.
8. However, we direct the learned Trial Court to complete the examination and cross-examination of the vulnerable witnesses within thirty days from the date of communication of this order to the learned Trial Court by the parties herein.
9. Learned Registry is also directed to communicate this order immediately to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)