

19.09.2024
Item no. 48.
Court No.28.
AB
(Rejected)

CRM (DB) 2848 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 Kaliachak Police Station Case No.485 of 2023 Dated 25.04.2023 under Sections 201/302 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Biswajit Mandal

.....Petitioner.

Ms. Sohini Adhikari,
Mr. Arif Quraishi for the Petitioner.

Mrs. Rituparna De Ghosh,
Ms. Madhumita Basak for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there is no incriminating evidence against him. He has been falsely implicated. He is in custody for more than 500 days. Recording of evidence has not yet begun. There are 29 charge sheet named witnesses. There is no possibility of an early conclusion of the trial. He should be enlarged on bail.

2. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary. The charge is of murder and secreting evidence along with Section 6 of the Protection of Children from Sexual Offences Act. It prima facie appears from the material on record that the petitioner, a married person, misled the victim

girl and tried to develop a relationship with her. Subsequently he took her to some other place and killed her. The cell phone of the victim girl has been recovered from the residence of the petitioner on the basis of statement made by the petitioner.

3. In view of the gravity of the charge and the prima facie incriminating material against the petitioner, we are not inclined to enlarge him on bail, at this stage.

4. The prayer for bail is rejected.

5. CRM (DB) 2848 of 2024 is dismissed.

6. However, the trial has to be concluded at an early date as no under-trial can be kept in incarceration for an indefinitely long period of time.

7. 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 15 months from the next date fixed for recording of evidence by adhering to the provisions of Section 309 Cr.P.C. This time frame is peremptory.

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

9. 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.)

