

CRM (DB) 2829 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Chanditala Police Station** Case No. **79 of 2023** dated **04.02.2023** under Sections **363/365/376(3)** of the Indian Penal Code and Section 4 of the POCSO Act.

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In the matter of : Saddam Hossi Mallick @ Saddam Hossain Mallick @ Saddam Hossain

.... Petitioner.

Mr. Pratip Mukherjee,
Mr. S. Choudhury,
Ms. R. Banerjee,

... For the Petitioner.

Mr. Rudradipta Nandi,
Mr. Nirupam Dhali,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that there was an amorous relationship between him, 23 years of age, and the victim girl who was about 15 years old at the time of the alleged incident. However, the family of the victim girl did not approve of such relationship. Hence this false complaint has been lodged. He is in custody for one year and six months. There has not been any appreciable progress in the trial. He prays for bail.

2. Opposing the prayer, learned State Advocate says that there is sufficient incriminating evidence against the petitioner. The victim girl has already deposed before the Learned Trial Court. She squarely implicates the petitioner. 7 out of 34 charge sheet named witnesses have already been examined. It may not be necessary to examine all 34 witnesses. Some time should be granted for carrying the trial to its logical conclusion.

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

4. CRM (DB) 2829 of 2024 is, thus, dismissed.

5. However, since the petitioner has been in judicial custody for quite some time, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date and definitely within eight months from the next date fixed for recording evidence.

6. Parties and the Registry of this Court shall communicate this order to the learned Trial Court.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)