

21.
19-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2634 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dholahat Police Station Case No.371 of 2016 dated 03-09-2016 under Sections 363/366A/365 of the Indian Penal Code and Sections 4/6 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Monoj Singh

.... Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

... For the Petitioner.

Mr. Antarikhya Basu

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that he is in custody for more than two years. Only 1 out of 17 charge sheet named witnesses has been examined so far. There is no possibility of an early conclusion of trial. A co-accused person has been granted bail on the ground of delay. He prays for bail.

Learned advocate for the State, while opposing the prayer for bail, on instructions, tells us that the prosecution proposes to examine only 9 witnesses. It is possible to conclude the trial within eight months. There is sufficient incriminating material against this petitioner. The charge under the POCSO Act is only against this accused person.

We find that *prima facie* there are incriminating materials against this petitioner. The charge is under

Sections 4/6 of the POCSO Act. If convicted, the petitioner shall have to suffer imprisonment of at least 20 years.

In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.

The application for bail being CRM (DB) 2634 of 2024 is, thus, **dismissed**.

However, considering the lengthy detention of the petitioner, and in the light of the submission made on behalf of the State, we direct the learned trial Court to spare no efforts to expedite the trial and conclude the same at an early date, but positively within eight months from the next date fixed for recording of evidence. If necessary, frequent schedules will be fixed by the learned trial Court and no unnecessary adjournments shall be granted to either of the parties.

We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.

Parties shall communicate this order to the learned trial Court forthwith.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)