

CRM (DB) 2641 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tehatta Police Station** Case No. **239of 2020** dated **23.06.2020** under Section **376AB** of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Dilip Banik @ Baniks

.... Petitioner.

Mr. Asraf Mondal,
Ms. S. Saha,

... For the Petitioner.

Mr. Sudip Kumar,
Mr. Nirupam Dhali,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State in court today be kept with the records.
2. The petitioner renews his prayer for bail which was rejected twice on merits, lastly on February 1, 2024. He says that he is in custody for close to four years. Six out of eleven charge sheet named witnesses have been examined. He prays for bail on the ground of delay in progress of trial.
3. While opposing the prayer for bail, learned Counsel for the State draws our attention to the material in the case diary. The eleven year old survivor girl clearly narrates the heinous incident. She was subjected to penetrative sexual assault by the petitioner.
4. In view of such incriminating material being available against the petitioner, we are not inclined to enlarge the petitioner on bail also because we see that the trial can be concluded at an early date.

5. CRM (DB) 2641 of 2024 is, thus, dismissed.

6. We direct the learned Trial Court to expedite the trial and conclude the same at an early date but positively by the end of December, 2024, without granting any unnecessary adjournments to either of the parties.

7. We clarify that in the event the trial is not concluded within the time period indicated herein, the petitioner may renew his prayer for bail.

8. Parties and the learned Registrar General of this Court shall communicate this order immediately 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)