

17. 30.09.2024
Court
No.28 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2653 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Mothabari P.S. Case No. 460/2022 dated 03.12.2022.

And

In the matter of: - **Sentu Sk.**

...petitioner.

Mr. Ayan Basu
Mr. Tapodip Gupta
Mr. Sumit Routh

...for the petitioner.

Ms. Faria Hossain, Ld. APP
Mr. Mainak Gupta

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was lastly rejected on merits on December 20, 2023, in CRM (DB) 4605 of 2023.
2. The petitioner says that the victim girl has now deposed before the learned Trial Court. From the earlier case of her home being the place of occurrence, she has deviated and has now said that the alleged incident took place in a forest. The medical report does not support the prosecution case.
3. Learned Advocate for the State opposes the prayer for bail.
4. We find that the point of the medical report not supporting the prosecution case was considered by the co-ordinate Bench while rejecting the petitioner's bail prayer on December 20, 2023. Insofar as the other alleged

inconsistencies that may be there, it is for the learned Trial Court to assess and evaluate the same.

5. In view of the *prima facie* incriminating material against this petitioner, we are not inclined to allow his prayer for bail, at this stage. Hence the prayer for bail is rejected.
6. The application being CRM (DB) 2653 of 2024 is accordingly dismissed.
7. However, since the petitioner is in custody for quite some time and we are told that four out of 24 charge-sheet named witnesses has been examined, 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 one year from the next date fixed for recording evidence.
8. This order shall be immediately communicated by the parties as well as the learned Registrar General of this Court to the learned Trial Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)