

17.
25-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2710 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 Islampur Police Station Case No.299 of 2023 dated 25-07-2023 under Sections 363/365/376 of the Indian Penal Code read with Section 4 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Nayem Sk. @ Naim Sk.

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Md. G. N. Imrohi

... For the Petitioner.

Mr. Suman De,
Mr. Sujoy Sarkar

... For the State.

Mr. Amit Ranjan Pati

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Service report filed by the State be kept with the records.

The petitioner renews his prayer for bail which was rejected on merits by a coordinate Bench on April 12, 2024. The petitioner says that he has been in custody for one year one month. Only four out of twenty three charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. On the ground of delay, he renews his prayer for bail.

Opposing the prayer for bail, learned State advocate and the advocate for the defacto complainant draw our

attention to the deposition of the victim girl. She vividly describes how she was kidnapped in a Maruti Car and was raped by the petitioner.

In view of such prima facie incriminating evidence against the petitioner, we are not inclined to allow the petitioner's prayer for bail.

The application for bail being CRM (DB) 2710 of 2024 is, thus, **dismissed**.

However, considering that the petitioner is in custody for more than a year, we direct the learned trial Court to expedite the trial to the fullest extent and conclude the same at an early date and definitely within one year from the next date fixed for recording of evidence, without granting unnecessary adjournments to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

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.)