

03.09.2024
Item no. 69.
Court No.28.
AB
(Rejected)

CRM (DB) 2728 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara Police Station Case No.932 of 2023 Dated 5.11.2023 under Sections 506/34 of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Najibul Sk.Petitioner.

Mr. Khalid Hasan
Md. Musa Desaifor the Petitioner.

Mr. Imran Ali
Ms. Puspita Sahafor the State.

Mr. Babul Hussainfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There was a love affair between him and the victim girl. He is in custody for 301 days. Investigation is complete. His further custodial detention is no more necessary.
2. Opposing the prayer for bail, learned Advocates for the State and the defacto complainant draw our attention to the material in the case diary. We have seen the statement of the victim girl, aged 14 years plus at the time of the alleged incident, recorded under Section 164 Cr.P.C. She clearly and vividly narrates the heinous incident of how the petitioner enticed her away and then committed rape upon her.

3. In view of the prima facie incriminating evidence against the petitioner, we are not inclined to allow his prayer for bail, at this stage.
4. The prayer for bail is, accordingly, rejected.
5. CRM (DB) 2728 of 2024 is dismissed.
6. However, the petitioner has been in custody for quite some time. We are told that charge was framed in June, 2024. There are 14 charge sheet named witnesses. We direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date and preferably within a year from the next date fixed for recording of evidence.
7. The parties shall communicate this order to the learned Trial Court.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)