

21.
30-09-2024
(ct. no.28)
debajyoti
(rejected)

CRM (DB) 2806 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 Amdanga Police Station Case No.382 of 2022 dated 26-07-2022 under Section 376AB of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act .

- A n d -

In the matter of : Rafikul Islam @ Rafikul Ali @ Rafik Ali
.... Petitioner.

Mr. Santanu Talukdar,
Mr. Manojit Debnath

... For the Petitioner.

Mr. Avishek Sinha,
Ms. Ayana De

... For the State.

Ms. Nandini Chatterjee

... For the defacto complaint.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected on February 01, 2024. He says that he is in custody for over 2 years 2 months. By the order dated February 02, 2024, a coordinate Bench, while rejecting his prayer for bail, requested the trial Court to conduct the trial on a day-to-day basis and expedite the same. The petitioner says that subsequent to such order, nothing has progressed. Not a single witness has been examined after that order. On the ground of delay in trial, he renews his prayer for bail.

Learned State counsel and learned advocate for the defacto complainant, while opposing the prayer for bail, show us the deposition of the victim girl who was about six years old at the time of the alleged incident. She vividly and clearly

describes the heinous incident of penetrative assault by the petitioner. The medical evidence recorded by the learned trial Court also supports the prosecution case.

In view of the *prima facie* incriminating evidence against the petitioner, we are not inclined to allow his prayer for bail, at this stage. If he is convicted, he will have to undergo minimum sentence of 20 years.

The application for bail being CRM (DB) 2806 of 2024 is, thus, **dismissed**.

However, since the petitioner is in custody for quite some time, we direct the learned trial Court to expedite the trial and hold the same, if necessary, on a day-to-day basis, so that the trial is concluded on an early date and positively within six months from the next date fixed for recording evidence.

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.)