

19.09.2024
Item no. 46.
Court No.28.
AB
(Rejected)

CRM (DB) 2837 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 Murshidabad Police Station Case No.428 of 2023 Dated 13.06.2023 under Sections 328/307/376(3)/120B/302 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Rahul Haldar @ Pappu

.....Petitioner.

Mr. Sabir Ahmed,
Mr. Somnath Adhikarifor the Petitioner.

Mr. Saryati Dutta,
Mr. Asraf Mondalfor the State.

Md. Bani Israilfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for over one year. Witness action has not yet started. There was a love relationship between him and the victim girl. He should be enlarged on bail.
2. Learned Advocates for the State and the defacto complainant oppose the prayer for bail.
3. We have seen the dying declaration of the victim. She clearly stated that there was a relationship between her and the petitioner herein. However, one day she was taken to a jungle and there she was told by the petitioner that the petitioner has consumed poison and she should also consume

poison. The petitioner stated that he was doing this because the family members of the petitioner and the victim girl did not approve of their relationship. Thereafter, the petitioner forcibly administered poison on the victim girl but did not consume poison himself.

4. In view of such dying declaration to which a lot of solemnity is attached, we are not inclined to entertain the petitioner's prayer for bail.

5. The prayer for bail is rejected.

6. CRM (DB) 2837 of 2024 is dismissed.

7. However, considering that the petitioner has been in custody for over a year, we direct the learned Trial Court to expedite the trial and conclude the same at an early date, without granting any unnecessary adjournments to either of the parties, if necessary, by fixing frequent schedules and definitely within 18 months from the next date fixed for recording of evidence.

8. The parties shall communicate this order 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

