

CRM (DB) 2907 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

- A n d -

In the matter of : Sujan Dey @ Sujan Chandra Dey.

.... Petitioner.

Mr. Kallol Kumar Basu,
Mr. Md. Jannat Ul Firdous, ... For the Petitioner.

Mr. Prasun Kumar Dutta,
Mr. Tapas Kumar Saha, ... for the State.

Mr. Parthapratim Das,
Mr. Dev Kumar Sharma,
Mrs. Manasi Roy,
Mr. Manojit Chakraborty, ...for the de facto complainant.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on merits on December 22, 2022. He complains of inordinate delay in the progress of the trial. He says that he is in custody for over 2 years and 1 month. Only 8 out of 17 witnesses have been examined till date. Vulnerable witnesses have already been examined. He should be enlarged on bail.
2. Opposing the prayer for bail, learned advocates for the State and the de facto complainant draw our attention to the materials in the case diary including the statement of the victim girl.
3. We have also seen the deposition of the victim girl who suffers from Down Syndrome. It appears, prima facie, that taking

advantage of the weakness of the victim girl, the petitioner repeatedly violated her.

4. In view of the strong prima facie evidence against the petitioner, we are not inclined to allow the petitioner's prayer.
5. Accordingly, CRM (DB) 2907 is dismissed.
6. However, the petitioner cannot be kept in incarceration indefinitely. We are told that today also is the date fixed for recording of evidence.
7. 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 6 months from the next date fixed for recording of evidence.
8. We clarify that in the event the trial is not concluded within the time period indicated above, the petitioner will be at liberty renew his prayer for bail.
9. Let this order be communicated by the parties to the learned Trial court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)