

CRM (DB) 2938 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Eco-Park Police Station** Case No. **172 of 2022** dated **19.07.2022** under Section **379** of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Rakibuddin Mondal @ Suraj

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. S. Chatterjee,
Ms. Labani Sikdar,

... For the Petitioner.

Mr. Arindam Sen,
Mrs. P. Priyadarshee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed by the State in court today be kept with the records.
2. In spite of service nobody appears for the defacto complainant/victim.
3. The petitioner renews his prayer for bail which was rejected earlier on October 13, 2022. The petitioner says that he is in custody for about two years. The vulnerable witnesses have been examined. He may be enlarged on bail.
4. Opposing the prayer for bail, learned Advocate for the State draws our attention to the written complaint and the deposition of the victim girl.
5. *Prima facie* they are in consonance with each other. There appears to have been penetrative sexual assault on the victim by the accused person.

6. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail.

7. CRM (DB) 2938 of 2024 is, thus, dismissed.

8. However, keeping in mind the importance of the fundamental right of a citizen to personal liberty and speedy trial and having been told that four out of 12 charge sheet named witnesses have been already examined, we direct the learned Trial Court to expedite the trial and complete the same as soon as possible but definitely within six months from the next date fixed for recording of evidence.

9. Parties and the learned Registrar General of this Court shall immediately communicate this order to the learned Trial Court.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)