

04.10.2024
Item no. 24.
Court No.28.
AB
(Rejected)

CRM (DB) 2946 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 Kotwali P.S. Case No.872 of 2021 dated 3.9.2021 under Section 376AB of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Paritosh Mondal @ Prasanta Mondal

.....Petitioner.

Mr. Abhijit Gangulyfor the Petitioner.

Mr. P. K. Dutta
Mr. Asraf Mondalfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than three years. On the ground of delay in progress of the trial, he prays for bail.
2. We are told that the last schedule was fixed on October 1 and 3, 2024. 12 out of 15 charge sheet named witnesses have already been examined.
3. We have seen the material in the case diary, including the statements of witnesses recorded under Section 164 Cr.P.C. The victim girl clearly implicates this petitioner.
4. In view of the gravity of the offence and also considering that the trial is on the verge of conclusion, we are not inclined to allow the petitioner's prayer for bail, at this stage.

5. The prayer for bail is rejected.
6. CRM (DB) 2946 of 2024 is dismissed.
7. However, the petitioner is in prolonged custodial detention. We direct the learned Trial Court to expedite the trial to the fullest and conclude the same at an early date and positively by the end of this year, without granting any unnecessary adjournment to either of the parties and, if necessary, by preponing the next date fixed.
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.)