

04.10.2024
Item no. 29.
Court No.28.
AB
(Rejected)

CRM (DB) 2967 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 Naihati P.S. Case No.49 of 2021 dated 7.2.2021 under Section 323/324/365 366A/120B of the Indian Penal Code and Sections 4/6 of the POCSO Act

And

In the matter of : Surajit KarPetitioner.

Mr. Debasis Kar,
Ms. Jagori Mitrafor the Petitioner.

Mr. Saryati Dutta
Ms. Diksha Ghoshfor the State.

Dictated by Arijit Banerjee, J.

1. Service report filed on behalf of the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner renews his prayer for bail, which was rejected, on merits, on February 15, 2023. The petitioner says that he is in custody for more than three years. Witness action has not yet started. On the ground of delay in progress of trial, he renews his prayer for bail.
3. Opposing the prayer for bail, learned State Advocate draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. as also the medical report. The victim girl squarely implicates the petitioner. The medical report reveals that the victim girl was

subjected to inhuman torture. Significant injuries were detected.

4. In view of the gravity of the offence, we are not inclined to allow the petitioner's prayer for bail, in spite of his long incarceration.
5. The prayer for bail is rejected.
6. CRM (DB) 2967 of 2024 is dismissed.
7. We are told that there are 14 charge sheet named witnesses. November 5, 2024, has been fixed as the date for recording evidence. We see that on the last 14 dates, no witness turned up.
8. We direct the learned Trial Court to expedite the trial to the fullest and conclude the same at an early date and definitely within eight months from the next date fixed for recording of evidence, without granting any unnecessary adjournments to either of the parties. If necessary, frequent schedules of 2/3 dates or more shall be fixed by the learned Trial Court.
9. We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew his prayer for bail.
10. The parties shall communicate this order to the learned Trial Court.
11. 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.)

