

CRM (DB) 3014 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the BNSS in connection with **Malda Police Station** Case No. **235 of 2021** dated **02.05.2021** under Section **377/506** of the Indian Penal Code and Section 6 of the POCSO Act.

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In the matter of : Dipak Roy @ Dipak Kumar Roy

.... Petitioner.

Mr. Wasim Akram,

... For the Petitioner.

Mr. S. S. Imam,

Mrs. S. Saha,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner is in custody for more than three years four months and out of 13 charge sheet named witnesses only 2 have been examined till now. There is nothing on record which incriminates him and as such considering the period of his detention, he may be enlarged on bail on any condition.

2. Learned Advocate for the State opposes the bail prayer. He draws our attention to the case diary wherefrom it appears that in the statement recorded under Section 164 of the Code of Criminal Procedure at the instance of the victim she has clearly narrated how and in which manner the incident occurred. Learned State Advocate also draws our attention to the medical report which supports the prosecution case.

3. The petitioner's prayer for bail was rejected on merits twice earlier, on July 15, 2022 and on December 19, 2022. There is no

material wherefrom it transpires that the petitioner has been falsely implicated in this case. There are sufficient incriminating materials against the present petitioner and as such we are not inclined to enlarge the petitioner on bail, at this stage.

4. CRM (DB) 3014 of 2024 is, thus, dismissed.

5. However, as the petitioner is languishing in judicial custody for a considerable period of time, we direct the learned Trial Court to complete the trial by delivering judgment within six months from the next date fixed for recording evidence.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)