

04.12.2024
Item no.32.
Court No.29.
S. De

CRM (DB) No. 3346 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.

And

**In the matter of : Subhash Sarkar @ Spring.
.....Petitioner.**

Mr. Asraf Mandal,
Ms. Debjani Ray Choudhury,for the Petitioner.

Mr. Ashok Das,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in this case. He has no connection with the alleged offence under Sections 4/6 of the POCSO Act. He is in custody for 184 days. Investigation is complete. Witness action has begun. The victim girl has been examined. He should be enlarged on bail.
2. Opposing the prayer, learned State advocate draws our attention to the deposition of the victim girl. She clearly implicates this petitioner and vividly narrates the heinous incident. The victim girl was 12 years old at the time of the incident. The petitioner was 30 years old.
3. We, further, see that the trial is progressing at a satisfactory pace. 2 out of 13 chargesheet named witnesses have already been examined.

4. In view of the prima facie incriminating material against the petitioner, the gravity and heinous nature of the alleged offence and the progress in trial, we are not inclined to allow the petitioner's prayer for bail at this stage.
5. CRM (DB) 3346 of 2024 is dismissed at this stage.
6. However, since the petitioner is in custody for some time, we request the learned trial Court to expedite the trial to the extent possible and conclude the same on an early date.
7. Let this order be communicated by the parties to the learned Trial Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)