

07.11.2024
Sl. No.79
SG
[Rejected]

C. R. M. (DB) 3401 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2024 in connection with Goghat Police Station Case No. 208 of 2023 dated 28.06.2023 under Section 376(3) of the Indian Penal Code read with Section 4 (2) of the POCSO Act.

And

In Re: ***Tushar Ray***

... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Sourav Mondal,
Ms. Laboni Sikder.

... .. for the petitioner

Ms. Sayanti Santra,
Mr. Shashanka Shekhar Saha.

... .. for the State

1. Petitioner submits he is in custody for one year and five months. He further submits victim did not disclose she was pregnant. He prays for bail..
2. Learned Advocate for the State opposes the prayer for bail.
3. We have examined the evidence of the minor P.W. 2. She stated she had been called to the residence of the petitioner and was forcibly raped.
4. In view of the aforesaid evidence on record and as trial is in progress, we are not inclined to grant bail to the petitioner at this stage.
5. The application for bail is thus rejected.
6. Trial Court is directed to expedite the trial and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

7. Parties shall communicate a copy of this order to the trial Court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)