

19.01.2024

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rejected

C.R.M.(DB) No. 4067 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagar Police Station Case No. 57 of 2016 dated 29.03.2016 under Sections 363/376D/302/306/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Sudipta Jana

.... Petitioner

Mr. Deepak Prahladka

Ms. Reshmi Khatun

....for the petitioner

Mr. Nenguive Ahmed, learned APP

Ms. Amita Gaur

..... for the State

Mr. U. S. Chattopadhyay

Ms. T. Rakshit

Ms. R. Tah

Ms. A. Datta

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for more than seven years. He approached this Court on the ground of inordinate delay in trial. He prays for bail.

2. In view of the aforesaid submission we directed the learned Public Prosecutor to submit a report with regard to a timeline for conclusion of trial. Report filed in Court be placed on record.

3. We have considered the report. Report shows out of 42 charge-sheeted witnesses 10 witnesses were examined till 26.09.2023. Prosecution proposes to examine 14 more witnesses, 8 of whom are vulnerable.

4. We have considered the evidence on record against the petitioner. It is alleged that the victim girl along with petitioner and one Subhajit Pradhan came to the residence of PW 11. Thereafter they left together. On the next day her dead body was recovered. Post mortem report shows she had injuries in her private parts. Post mortem doctor opined that death was due to ante mortem hanging. From the aforesaid evidence we note victim was in the company of the petitioner and Subhajit Pradhan, co-accused whom victim intended to marry. In view of the aforesaid evidence on record and nature of crime we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is, thus, rejected.

6. We give last opportunity to the prosecution to conclude its evidence within one year from the next date fixed for recording evidence.

7. Parties shall co-operate with the trial court in this regard.

8. Presence of investigating officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)