

02.01.2024
Sl. No.32
akd
[Rejected]

C. R. M. (DB) 4795 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.12.2023 in connection with Hingalganj Police Station Case No.273 of 2022 dated 15.12.2022 under Sections 363/365/376/34 of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.5469 of 2022)

And

In Re: ***Sukanta Guria @ Sukanta Guriya***

... .. Petitioner

Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Faruque
Mr. Jyotirmoy Talukdar

... .. for the petitioner

Mr. Parthapratim Das
Mr. S. K. Bhakat

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the statement of the minor. Minor stated she had been kidnapped and raped by the petitioner. She is yet to be examined in court. In view of the nature of accusation and the stage of proceeding, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.
5. Trial court is directed to consider the issue of framing of charge within one month from the next date fixed before the said court and to examine the victim at the earliest.
6. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

