

24.09.2024
07
S.D.
REJECTED

C.R.M.(DB) 463 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar** Police Station Case No. **424 of 2023** dated **29.05.2023** under Sections **363/365 of the Indian Penal Code** adding Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Biswajit Oraon**

..... petitioner

Mr. Anirban Banerjee
...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy
.... for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He submits that, the petitioner is in custody for 485 days without the possibility of trial commencing any time soon.

Learned advocate appearing for the State refers to the statement of the victim recorded under Section 164 of the Cr.P.C. as well the medical examination report.

Victim is a minor. She recorded a statement under Section 164 of the Cr.P.C. where she names the petitioner and implicates him for assault.

Medical examination report corroborates the statement of the victim.

We are informed that November 21, 2024 is fixed by the Trial court for the purpose of recording the evidence of the victim.

Enlarging the petitioner at this stage without the evidence of the victim being recorded will be inimical to the trial.

Considering the materials in the case diary and the fact that the victim is yet to depose at the trial, we are unable to grant bail of the petitioner and the prayer for bail of the petitioner is rejected.

The application being **CRM (DB) 463 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)