

08.11.2024
Item no. 89.
Court No.1.
AB
(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) 489 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mirik P.S. Case No. 38 of 2019 Dated 9.8.2019 under Sections 4/6 of the POCSO Act

And

In the matter of : Prabhakar @ Pravakar Rai

.....Petitioner.

Mr. Sanjay Majumdarfor the Petitioner.

Mr. A. S. Chakraborty, ld. APP

Mr. Ujjwal Luksom,

Mr. S. S. Sikderfor the State.

Dictated by Arijit Banerjee, J.

1. The charge is under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. The petitioner renews his prayer for bail, which was last rejected on May 12, 2023. He says that he is in custody for more than five years. The trial is still not complete.
2. Opposing the prayer, learned State Advocate tells us that examination of all the witnesses is complete. Only examination under Section 313 Cr.P.C. and arguments remain. The evidence recorded is overwhelmingly against the petitioner. He ravished a minor girl. There is

every chance of the petitioner absconding, if enlarged on bail. The trial is on the verge of conclusion. It is expected that the trial will conclude within the next two months, excluding holidays.

3. Having perused the deposition, we prima facie find there to be sufficient incriminating evidence against the petitioner. The trial is about to conclude. The charge is serious. If convicted, the petitioner may have to serve sentence of upto 20 years.
4. On an overall consideration of the facts and circumstances of the case, we are not inclined to allow the petitioner's prayer for bail.
5. The prayer for bail stands rejected.
6. CRM (DB) 489 of 2024 is dismissed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)

