

03.12.2024
SL No.40
srm/Mujahid
(Rejected)

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

C.R.M. (DB) 640 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **26.11.2024** in connection with **Mathabhanga** P.S. Case No. **270/2023** dated **30.05.2023** under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Manindra Das @ Mani Das**

....Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the petitioner

Mr. Saikat Chatterjee,
Ms. Sukanya Adhikary

...for the State

Mr. Subhasish Misra

...for the de facto complainant

The petitioner prays for bail on the ground of prolonged detention and violation of Section 35(2) of the Protection of Children from Sexual Offences Act, 2012. According to the petitioner, charge-sheet was submitted sometime in 2023, but more than a year has passed, not a single witness has been examined.

Learned Advocate for the de facto complainant opposes the prayer and submits that a 62-year-old man had ravished a 4-year-old minor child.

Learned Advocate for the State has handed over the case diary and opposes the prayer for bail.

We have perused the statement of the victim made under Section 164, Cr.P.C. corresponding to Section 183, B.N.S.S. We have considered the statement of the de facto complainant recorded under the same provision. We have considered the medical report. At this stage, we are not inclined to grant bail to the petitioner, especially because the victim has not yet been examined.

The learned trial court is requested to expedite the trial. The prosecution is directed to cooperate with the trial and produces the witnesses accordingly.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)