

28.02.2025
Item no. 28.
Court No.29.
AB
(Rejected)

CRM (DB) 223 of 2025

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 Chandannagore P.S. Case No.194 of 2022 Dated 07.09.2022 under Sections 376(2)(d)(3)/307/354B/506 of the Indian Penal Code read with Sections 4/6/8/12 of the POCSO Act

And

In the matter of : Biswajit Roy @ Babu Petitioner.

Ms. Jeenia Rudra,
Ms. Sangeeta Halder for the Petitioner.

Mr. Sandip Chakraborty
Mr. Akash Ganguly for the State.

Mr. Sauradeep Dutta for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. The petitioner renews his prayer for bail which was rejected earlier on January 13, 2023, in CRM (DB) 122 of 2023. He says that he is in custody for two years and five months. There has not been adequate progress in the trial. The witnesses already examined, including the victim girls, have not implicated him.
3. We find that 12 out of 23 charge sheet named witnesses have already been examined. The State says that only 9 more witnesses will be examined. Therefore, we find that there is adequate progress in the trial. It is not that the trial is stagnant and the petitioner is languishing in custody.

4. We find that one of the victim girls has squarely implicated this petitioner. She has stated how, when she sent to answer nature's call in the lavatory of the Home, where the victims stay, the petitioner ravished her. The charge is under Section 6 of the POCSO Act. If convicted, the petitioner faces a minimum of 20 years of imprisonment.
5. The other victim girl in her evidence corroborates the stand of the victim girl, who was ravished.
6. In view of the overwhelming evidence against the petitioner, in spite of the petitioner being in custody for quite some time, and noting that the trial is in progress, we are not inclined to enlarge him on bail, at this stage.
7. The prayer for bail is rejected.
8. CRM (DB) 223 of 2025 is dismissed.
9. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date.
10. Parties to communicate this order to the learned Trial Court.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

