

10.03.2025
Item no.20.
Court No.29.
S. De

CRM (DB) No. 291 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Rafiqul Islam @ Bhelu. ...Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick,
Mr. Mijanul Kabir,
Ms. Luna Khatoun, ...for the Petitioner.

Mr. Dhiraj Trevidi, Ld. DSG,
Mr. Amajit De, Spl. P.P., CBI, ...for the CBI.

Ms. Krishna Ray,
Mr. M.A. Sk. ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed by CBI be kept with the records.
2. We find that 18 witnesses have been examined so far by the prosecution. Although there are 37 chatrgesheet named witnesses, the learned DSG representing the CBI tells us that only 4 more witnesses will be examined by the prosecution. Today and tomorrow are the dates fixed for examination of witnesses. He says that in all likelihood witness action will conclude by tomorrow and the trial would come to an end within the next 2/3 dates.
3. The petitioner complains of prolonged detention in custody for 3 years and 9 months. We are conscious of a citizen's fundamental right to personal liberty and speedy trial. However, such right has to be balanced against other factors like the gravity of the offence with which the petitioner has been charged, the quality and

quantity of incriminating evidence, the consequences of the petitioner being convicted etc.

4. Learned advocate for the de facto complainant says that on several occasions, the trial had to be adjourned at the instance of the defence.
5. In the present case, we find from the depositions of the witnesses that the petitioner has been squarely implicated by all the concerned witnesses. The examining doctor has also clearly deposed that the victim girl was sexually assaulted. She was about 10 years of age at the time of the incident. The petitioner allegedly committed penetrative sexually assault on her. In view of such incriminating evidence against the petitioner and considering the gravity of the offence and also that the trial is likely to conclude on an early date as submitted by learned DSG, we are not inclined to allow the application for bail of the petitioner.
6. CRM (DB) 291 of 2025 is dismissed.
7. In view of 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, without granting unnecessary adjournments to either of the parties and, if necessary, by fixing frequent schedules of 2/3 date each for examination of witnesses.

8. Let this order be communicated by the parties to the learned Trial Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)