

20.02.2025

Item no.49.

Court No.29.

S. De  
(Rejected)

**CRM (DB) No. 318 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 : Munna Dhanuk.**                      .....Petitioner.

Mr. Sajis Halder,                                              .....for the Petitioner.

Mrs. Sukanya Bhattacharyya,  
Ms. Rajashree Tah,                      .....for the State.

Mr. Dev Kumar Sharma,    ... for the de facto complainant.

**Dictated by Apurba Sinha Ray, J.**

1. Learned counsel for the petitioner has submitted that the petitioner is in custody for 3 years and 2 months. Only 2 out of 11 chargesheet named witnesses have been examined. There is no chance of an early conclusion of the trial. The vulnerable witness i.e. the victim girl has already been examined and as such there is no need for further custodial detention of the petitioner. He may be enlarged on bail on any condition.

2. Learned counsel for the de facto complainant raises strong objection. According to him, the petitioner coerced the consent of the parents of the victim and, thereafter, took away the victim girl to Lucknow and, thereafter, established physical relation with the victim under coercion and, thereafter, the victim being pregnant of 22 weeks, her pregnancy was terminated with the order of the Hon'ble Court. The petitioner has no permanent

residence. He may flee away from the course of justice, if he is enlarged on bail.

3. Learned counsel for the State has also opposed the prayer for bail. According to her, the prosecution will conclude the trial within a very short span of time. There are sufficient incriminating materials against the petitioner. The victim did not exonerate the petitioner during her evidence.

4. We have considered the materials-on-record. We find that there are sufficient incriminating materials against the present petitioner. Delay in proceeding with the trial cannot be solely attributed to the prosecution. There are instances when the defence took time. Considering all the materials-on-record and keeping in mind that if the offence under Section 6 of the POCSO Act is established, the petitioner will have to undergo minimum imprisonment of 20 years which may extend to life imprisonment, we are not inclined to allow the petitioner's prayer for bail.

5. CRM (DB) 318 of 2025 is dismissed.

6. However, keeping in mind 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.

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

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**