

25.03.2025
Item no. 28.
Court No.29.
AB
(Rejected)

CRM (DB) 640 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 Mahishadala P.S. Case No.801 of 2023 Dated 26.11.2023 under Section 363/365/376(3) of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Bappa Mondal @ Sandip Mondal

.....Petitioner.

Mr. Navanil De,
Mr. Subhrajit Defor the Petitioner.

Mr. Saryati Dutta
Ms. Sonali Bharfor the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner says that he is in custody for one year and three months. He has been falsely implicated. There was a love affair between him and the victim girl. The victim girl left her parental house on her own volition. There was consensual physical relationship between them. Only 5 out of 13 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. He prays for bail both on merits and on the ground of delay.

3. Learned State Counsel, while opposing the prayer, draws our attention to the deposition of the victim girl recorded before the learned Trial Court. She clearly implicates the petitioner. She does not talk of any love affair.
4. We also find that there has been satisfactory progress in the trial. Charge was framed on March 5, 2024. Since then, five witnesses have already been examined. Learned Advocate says that during April, 2025, five more witnesses will be examined. The trial will conclude on an early date.
5. We prima facie find substantial incriminating material against the petitioner. We also do not find any inordinate delay in the progress of the trial. Hence, we are not inclined to allow the petitioner's prayer for bail, at this stage.
6. The prayer for bail stands rejected.
7. CRM (DB) 640 of 2025 is dismissed.
8. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent and conclude the same on an early date, without granting unnecessary adjournment to either of the parties and if necessary by fixing frequent schedules of 2/3 days each for examination of witnesses.

9. Parties to communicate this order to the learned Trial Court.
10. 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.)