

15.
06-01-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 3241 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Magrahat Police Station Case No.98 of 2021 dated 12-04-2021 under Sections 341, 323, 506, 376DA of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : XXXXXX

.... Petitioner.

Mr. Deepak Kumar Prahladka,
Ms. Reshmi Khatun

... For the Petitioner.

Mr. Arindam Sen,
Ms. Trina Mitra

... For the State.

Mr. Avik Ghatak,
Mr. Sandipan Das,
Ms. Afreen Begum,
Mr. Soumitra Karmakar

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for about 3 years 8 months. There is no possibility of an early conclusion of the trial. The materials on record are inconsistent. The evidence of the examining doctor does not support the prosecution case. He prays for bail.

2. Opposing the prayer, learned advocates for the State and the defacto complainant draw our attention to the

deposition of the victim girl, who clearly implicates the petitioner.

3. The State files a status report in terms of our order dated November 19, 2024. We see from that report that the prosecution intends to examine 8-10 more witnesses. 11 witnesses have already been examined. The report further mentions that the trial of the case will be concluded within the next 2-3 months.

4. In view of the *prima facie* incriminating material against the petitioner and the seriousness of the charge, which, if proved, would attract a mandatory imprisonment of at least 20 years, we are not inclined to entertain the petitioner's prayer for bail, at this stage.

5. The application for bail is, thus, **dismissed**.

6. However, the learned trial Court is requested to expedite the trial to the fullest extent and conclude the same within the time period indicated by the State in the report filed before us today.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)