

07.02.2025
Item no.21.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 3443 of 2024

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 : Amit Hansda.Petitioner.

Mr. Omar Faruk Gazi,
Ms. Ayasha Najrin,for the Petitioner.

Mr. Anwar Hossain,
Ms. Puja Goswami,for the State.

Mr. Sauradeep Dutta, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. From the status report filed by the State, we find that 3 out of 17 chargesheet named witnesses have been already examined. The prosecution intends to examine 8 more witnesses. The next date fixed is March 7, 2025.
2. We are conscious that the petitioner is in custody for about 2 years and 3 months. However, the evidence-on-record is overwhelming as against the petitioner. The victim girl, in her deposition, fully corroborates the statement that she recorded under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023). She clearly described the heinous incident as to how the petitioner took her to

a secluded room and ravished her. Then the petitioner threatened to kill her by strangulation, if she divulged the incident to anybody. The medical report, prima facie, supports the prosecution case. The victim girl was all of 8 years old at the time of the incident and the petitioner was about 36 years old.

3. Given the heinous nature of the crime and keeping in mind that if convicted of the offence under Section 6 of the POCSO Act, the petitioner will have to undergo mandatory 20 years' imprisonment which may extend to life term, we are not inclined to entertain the prayer for bail, at this stage.
4. CRM (DB) 3443 of 2024 is dismissed.
5. However, keeping in mind the long 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, if necessary by pre-poning the next date and by fixing frequent schedules for examination of witnesses and without granting unnecessary adjournments to either of the parties.
6. Let this order be communicated by the parties to the learned Trial Court.

7. 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.)