

CRM (DB) 3610 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Baranagar Police Station** Case No. **439 of 2021** dated **15.08.2021** under Sections **363/366/365/506** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Pritam @ Preetam Paul @ Deepjyoti @ Dipjyoti @ Deepjoti @ Pal

.... Petitioner.

Mr. Shibaji Kr. Das,
Mr. Dipendu Sarkar,
Ms. Deblina De,

... For the Petitioner.

Mr. Shaila Afreen,
Ms. Sima Biswas,

... for the State.

Ms. Suchismita Dutta,

.... For the defacto complainant.

Dictated by Arijit Banerjee, J:-

1. The petitioner renews his prayer for bail which was last rejected on November 28, 2023, by a Coordinate Bench in CRM (DB) 4235 of 2023. He is in custody for about three years five months. There is no likelihood of the trial concluding on an early date. He prays for bail on the touchstone of Article 21 of the Constitution of India.

2. The State has filed a status report. Let the same be kept with the records.

3. We find that 3 prosecution witnesses have been examined so far. 13 witnesses remain to be examined. Learned State Advocate says that the trial can be completed within 8 months, provided the defence cooperates.

4. We have seen the deposition of the victim girl. Her cross-examination has been deferred on the request of the defence. The

victim girl, who was about 12 years of age at the time of the incident, clearly implicates this petitioner. If convicted, the petitioner faces imprisonment of at least ten years which may extend to life term.

5. We are not oblivious of the importance of an under-trial's fundamental right to personal liberty and speedy trial. Although such right generally would override all other considerations, if the alleged crime is heinous and grave in nature and attracts very severe punishment, one has to balance such factors against the fundamental right of the accused as noted above.

6. In the present case, it cannot be said that there has been no progress in the trial at all. We do not see that the delay in progress of the trial can be attributed to the prosecution.

7. In view of the nature and quality of evidence so far brought on record which clearly implicates the petitioner, we are not inclined to enlarge the petitioner on bail.

8. CRM (DB) 3610 of 2024 is, thus, dismissed.

9. Considering the period of detention of the petitioner, we request the learned Trial Court to spare no efforts to expedite the trial to the fullest extent possible and conclude the same on an early date.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)