

18. 15.01.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 3718 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dholahat P.S. Case No.46/2023 dated 30018.2023.

And

In the matter of: - **Debashis Das**

...petitioner.

Mr. S. Ganguli
Mr. S. Shasmal

...for the petitioner.

Mr. Partha Pratim Das
Mr. S. Kundu

...for the State.

Ms. Nandini Chatterjee

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was last rejected on merits on August 16, 2023, in CRM (DB) 3214 of 2023. He says that he is in custody for one year and 11 months. There is no such material against him that can justify his continued detention in judicial custody. There is no possibility of an early conclusion of the trial.
2. Opposing the bail prayer, learned Advocates for the State and the *de facto* complainant draw our attention to the deposition of the victim girl who has been examined in part before the learned Trial Court.
3. We have also seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. The deposition and the statement under Section 164, Cr.PC, are consistent. The petitioner has been squarely implicated. It

prima facie appears that the petitioner sold the victim girl to another person for rupees twelve thousand.

4. In view of *prima facie* incriminating material against the petitioner, we are not inclined to allow his prayer for bail, at this stage.
5. We are conscious that the petitioner is in custody for about one year and 11 months. However, the nature and gravity of the crime along with the overwhelming incriminating material against the petitioner dissuades us from allowing his prayer for bail. We also keep in mind that the charge is, *inter alia*, under Section 6(1) of the Protection of Children from Sexual Offences (POCSO) Act, 2012, which, if proved and if the petitioner is convicted of the charge, he shall have to undergo a mandatory imprisonment of 20 years which may extend to life term, which means remainder of his life.
6. Hence, the prayer for bail is rejected.
7. The application being CRM (DB) 3718 of 2024 is accordingly dismissed.
8. However, considering that the petitioner is in custody for a little less than two years, we direct the learned Trial Court to make all efforts to expedite the trial and conclude the same on an early date. We note that in the status report filed by the State, it mentions that the prosecution intends to examine six more witnesses and trial can be concluded within a short period if the defence co-operates.

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)