

15.01.2025
Item no. 22.
Court No.29.
AB
(Rejected)

CRM (DB) 3812 of 2024

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 Dholahat Police Station Case No.507 of 2023 Dated 09.10.2023 under Sections 376(AB)/376(2)(f) of the Indian Penal Code read with Section 6(1) of the POCSO Act

And

In the matter of : Janealom Baidya

.....Petitioner.

Mr. Asraf Mondal
Mr. G. C. Baidya
Mr. Tanbir Mondalfor the Petitioner.

Mr. Prasun Kr. Dutta
Ms. Puspita Sahafor the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. We have seen the deposition of the victim girl, who was three years of age at the time of the heinous incident. The petitioner subjected her to penetrative sexual assault. The medical report, prima facie, supports the prosecution case.
3. In view of the prima facie incriminating evidence against the petitioner and the grave nature of the alleged crime, which would attract a mandatory sentence of twenty years, if the petitioner is convicted, we are not inclined to allow his prayer for bail.
4. The prayer for bail is rejected.

5. CRM (DB) 3812 of 2024 is dismissed.
6. However, considering the period of detention of the petitioner, we request the learned Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and keeping in mind the mandate of Section 35(2) of the POCSO Act.
7. The parties shall communicate this order to the learned Trial Court.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Ajay Kumar Gupta, J.)