

29.
27-01-2025
(ct. no.29)
debajyoti
rejected

CRM (DB) 3959 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 Bamongola Police Station Case No.132 of 2023 dated 10-08-2023 under Section 4 of the Protection of Children from Sexual Offences Act.

- A n d -

**In the matter of : Subrata Sarkar @ Sanjib @ Bathu @
Sourav
.... Petitioner.**

Mr. Kazi Mokhlasur Rahman
... For the Petitioner.

Mrs. Baisali Basu,
Ms. Srilekha Chatterjee
... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on merits on November 23, 2023. He says that only 2 out of 24 charge sheet named witnesses have been examined. He is in custody for more than 1 year 4 months.

2. Opposing the prayer for bail, learned State advocate draws our attention to the deposition of the victim girl. The girl was 14 years of age at the time of the incident. She clearly says that the petitioner, a next door neighbour, forcibly raped her. The medical report also *prima facie* supports the prosecution case.

3. We also cannot say that there has been absolutely no progress in the trial. From the report filed by the State, which be kept with the records, we find that January 31, 2025 has

been fixed as the date for examination of PW 3 (mother of the survivor) and PW 4 (brother of the survivor).

4. In the aforesaid facts and circumstances, we are not inclined to allow the petitioner's prayer for bail. The application for bail is, thus, **dismissed**.

5. However, considering the period of detention of the petitioner, we direct the learned trial Court to spare no efforts to expedite the trial and conclude the same on an early date, without granting unnecessary adjournments to either of the parties and, if necessary, by fixing frequent schedules for examination of witnesses.

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

7. 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.)