

10.01.2025
Sr. No. 39
Ct. No. 29.
AB
(Rejected)

C.R.M. (DB) 3880 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 Habra P.S. Case No.1023 of 2022 Dated 26.10.2022 under Sections 376AB/506/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act

In the matter of : **Kamal Singh**

....Petitioner.

Mr. Surajit Basu For the Petitioner.

Ms. Minoti Gomes,
Ms. Suruchi Saha For the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner says that he has no role to play in the alleged offence of penetrative sexual assault on the victim girl. He has been falsely implicated. He is in custody for about two years and two months. The medical report does not support the prosecution case. He prays for bail.
3. Learned State Counsel, while opposing the prayer for bail, draws our attention to the material in the case diary as also to the depositions of witnesses so far examined. The victim girl in clear terms implicates this petitioner in her evidence recorded before the learned Trial Court.

4. This is also not a case where it can be said that there is no progress in the trial. 11 out of 19 charge sheet named witnesses have already been examined. In the status report filed by the State, it is stated that the remaining eight witnesses should be examined within a short span of time and the trial is likely to conclude shortly.
5. In view of the prima facie incriminating material and evidence against the petitioner indicating his involvement in the heinous crime of penetrative sexual assault on a four year old girl and keeping in mind that if convicted of the offence under Section 6 of the POCSO Act, the petitioner shall attract a mandatory imprisonment of 20 years, we are not inclined to allow this application, at this stage.
6. The prayer for bail stands rejected.
7. CRM (DB) 3880 of 2024 is dismissed.
8. However, considering the period of detention of the petitioner, we direct the learned Trial Court to do everything possible to expedite the trial and conclude the same on an early date.
9. The parties shall communicate this order to the learned Trial Court.
10. 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.)

