

20.01.2025
Item no.22.
Court No.29.
S. De
(Rejected)

CRM (DB) No.3925 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Bijay Biswas.
.....Petitioner.**

Mr. Jamal Uddin,for the Petitioner.

Mr. Atif Ahmed Siddiqui, ...for the State.

Mr. Tatha gata Majumdar,
Ms. Neha Chakraborty, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on September 19, 2024. He says that he is in custody for 505 days. There is no chance of an early conclusion of the trial.
2. We see from the deposition of the victim girl that she squarely implicates this petitioner. The petitioner had forcible physical relationship with the victim girl who became pregnant as a result. The pregnancy had to be terminated.
3. We further see that 4 out of 15 chargesheet named witnesses have already been examined. The State says that it will examine 11 witnesses in all, i.e., 7 more witnesses.

4. Therefore, it cannot also be said that there is no progress in the trial. There is overwhelming material against this petitioner. If convicted of the offence under Section 6 of the POCSO Act, he will have to undergo mandatory imprisonment for 20 years.
5. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
6. CRM (DB) 3925 of 2025 is dismissed.
7. However, considering the period of detention of the petitioner, we direct the learned Trial Court to expedite the trial to the fullest extent possible, if necessary, by fixing frequent schedules for examination of witnesses and to conclude the trial on an early date.
8. Let this order be communicated by the parties to the learned Court below.
9. 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.)