

31.
27-01-2025
(ct. no.29)
debajyoti
rejected

CRM (DB) 3998 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 Ranaghat Women Police Station Case No.14 of 2024 dated 07-02-2024 under Sections 448/323/354/506/34 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, adding Section 376 of the Indian Penal Code.

- A n d -

In the matter of : XXXXXX

.... Petitioner.

Mr. Md. Sabir Ahmed,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee,
Mr. Ezaz Ahmed

... For the Petitioner.

Mr. Soumik Ganguly,
Mr. Sobhan Gani

... For the State.

Mr. Tapash Kumar Mondal

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in the alleged offence of penetrative assault on the minor victim girl. Because of marital discord between the brother of the petitioner and the defacto complainant being the victim girl's mother, the false complaint has been lodged implicating also the victim girl's father as an accused. However, he is on bail. The petitioner is in custody for about a year. Even charge has not been framed. He prays for bail.

2. Opposing the prayer for bail, learned advocates for the State and the defacto complainant draw our attention to the statement of the victim girl, who was about 10 years old at the time of the alleged incident. She *prima facie* implicates

this petitioner. The medical report also *prima facie* supports the prosecution case.

3. Learned State advocate says that charge could not be framed because one of the accused persons is absconding. However, steps have been taken for splitting up the trial so that the trial may proceed against this petitioner and other accused persons.

4. In view of the *prima facie* incriminating material against the petitioner, we are not inclined to entertain his prayer for bail, at this stage.

5. The offence is grave in nature. If convicted of offence under Section 6 of the POCSO Act, the petitioner will have to serve a minimum of 20 years in judicial custody. The application for bail is, thus, **dismissed**.

6. However, in view of the period of detention of the petitioner, we direct the learned trial Court to take all possible steps for expediting the trial to the fullest extent 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.

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

8. 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.)