

30.01.2025
Item no.23.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 3932 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 : Rabi Roy.Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh,for the Petitioner.

Ms. Anasuya Sinha, Ld. APP,
Mr. Arani Bhattacharyya,for the State

Mr. Bibaswan Bhattacharyya,
...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on merits on April 7, 2022. He says that he is in custody for 3 years and 6 months. Trial has not concluded.
2. We have seen the deposition of the victim girl. The facts that she narrates are quite alarming. Apparently, the petitioner forcibly raped her thereby impregnating her. She had to undergo abortion. She was forcibly married to the petitioner under pressure of the local people. After getting her aborted, the so-called in-laws and the petitioner threw her out and she now lives with her mother.

3. We are further told that only 4 witnesses remain to be examined including the two doctors, investigating officer and the recording officer. These witnesses ought not to take much time. February 26, 2025, has been fixed as the date for examination of the two doctors.
4. If the petitioner is convicted of the charge under Section 6 of the POCSO Act, and there prima facie appears to be sufficient incriminating material, he shall have to undergo a minimum imprisonment for 20 years which may extend to life term.
5. In view of the gravity of the crime and the quality of the evidence-on-record and the consequences prescribed by law, in spite of the petitioner being in detention for quite some time, we are not inclined to allow the prayer for bail seeing that the trial is likely to conclude on an early date.
6. CRM (DB) 3932 of 2024 is dismissed.
7. Considering the period of detention of the petitioner, we direct the learned Trial Court to spare no effort to expedite 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, keeping in mind the importance of a person's right under Article 21 of the Constitution of India.

8. Needless to say, all observations made in this order are only for the purpose of disposing of the bail application and shall have no bearing on the trial at all.
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.)