

27.
07-02-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 4046 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Basudebpur Police Station Case No.77 of 2022 dated 05-06-2022 under Sections 342/376DA/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Samaresh Parui

.... Petitioner.

Mr. Sanjib Kumar Dan,
Mr. Arindam Roy Chowdhury

... For the Petitioner.

Ms. Amita Gaur, Sr. Govt. Adv.,
Ms. Baisakhi Chatterjee

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner has drawn our attention to the deposition of the defacto complainant wherein he has stated that her daughter was ravished by Aktar Alam Mondal and Araful Mondal. The said witness did not state that the present petitioner committed the rape. Therefore, considering the fact that the petitioner is languishing in the judicial custody for more than two years seven months, he may be enlarged on bail on any condition.

2. Learned advocate for the State vehemently opposes the prayer for bail. According to her, the present petitioner was present and assisted the principal accused to commit gang rape upon the minor girl. If the petitioner is enlarged on bail, the prosecution may suffer. She also submits that

vulnerable witnesses including the victim girl have not yet been examined.

3. We have considered the materials in the Case Diary including the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure as well as the deposition of the defacto complainant. There are sufficient incriminating materials showing that the petitioner was present and he assisted the principal accused to commit gang rape upon the victim. In view of such material on record and also the fact that the vulnerable witnesses are yet to be examined, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

4. The application for bail is, thus, **dismissed**.

5. However, considering the petitioner's period of detention, we direct the learned trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date without granting unnecessary adjournments to either of the parties.

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.)