

45.
Court
No.29

27.01.2025

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4126 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Jagaddal P.S. Case No.323/2023 dated 10.8.2023.

And

In the matter of: - **Kamal @ Kamalesh Chandra Roy** ...petitioner.

Mr. Nirupam Dhali ...for the petitioner.

Ms. Sreyashee Biswas
Mr. Siladitya Banerjee ...for the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioner claims that he has been falsely implicated in this case. He is in custody for about one year and five months. There is no chance of an early conclusion of the trial since only one witness out of 28 charge-sheet named witnesses has been examined. If he is enlarged on bail on any condition, he shall comply with the same.
2. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials against the present petitioner. She further submits there are seven victim girls in this case whose statements have been recorded under Section 164 of the Code of Criminal Procedure, 1973 / Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. If the petitioner is enlarged on bail, the prosecution may

suffer. Learned Counsel has also pointed out that the present petitioner has criminal antecedents.

3. We have considered the materials on record including the case diary. There are certain incriminating materials against the present petitioner. The case diary also discloses that the present petitioner has some criminal antecedents. The allegations against this petitioner are of penetrative sexual assault on minor girls and trafficking in minor girls. If convicted for such offences, the petitioner may have to undergo a minimum of 20 years of imprisonment which may extend to life sentence.
4. In view of the above, we are not inclined to allow the prayer for bail of the present petitioner, at this stage.
5. The application being CRM (DB) 4126 of 2024 is accordingly dismissed.
6. However, considering that the petitioner is in custody for about one year and five months, we direct the learned Trial Court to make all possible efforts to expedite the trial to the fullest extent and conclude the same on an early date, without granting unnecessary adjournment to either of the parties and if necessary, by fixing frequent schedules for examination of witnesses.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)