

CRM (DB) 4143 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Amdanga Police Station** Case No. **79 of 2022** dated **05.03.2022** under Sections **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

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In the matter of : Masiar Rahaman Mondal @ Mosiar Rahaman
.... Petitioner.

Mr. Kollol Kumar Basu,
Mr. J. Ul Firdous,

... For the Petitioner.

Ms. Sonali Das,
Ms. S. Sultana,

... for the State.

Dictated by Arijit Banerjee, J:-

1. Status report filed by the State be kept with the records.
2. From the report we find that the prosecution intends to examine 6 more witnesses apart from 8 witnesses already examined. It cannot be said that there has been no progress in the trial at all.
3. We are conscious that the petitioner is in custody for about two years ten months. However, we see that the victim girl in her deposition squarely implicates this petitioner and describes the heinous incident. The medical report also supports the prosecution case to an extent.
4. In view of the aforesaid and taking note of the submission of learned State Advocate that the trial is likely to conclude within the next six months and also keeping in mind that if convicted of the offence under Section 6 of the POCSO Act, the petitioner will

have to undergo imprisonment of 20 years which may extend to life term, we are not inclined to enlarge the petitioner on bail, at this stage.

5. CRM (DB) 4143 of 2024 is, thus, dismissed.

6. However, taking note of the lengthy detention of the petitioner, 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, if necessary by preponing the next date and by fixing frequent schedules for examination of witnesses.

7. 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.)