

44.
07-02-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 4204 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 Nabadwip Police Station Case No.314 of 2024 dated 19-05-2024 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Surajit Mahato

.... Petitioner.

Mr. Kushal Kumar Mukherjee,
Mr. Narattam Acharyya

... For the Petitioner.

Mr. Joydeep Roy, learned Jr. Govt. Adv.,
Ms. Dona Sanyal

... For the State.

Dictated by Arijit Banerjee, J.

1. Service report filed on behalf of the State is taken on record. In spite of service, none appears on behalf of the victim/defacto complainant.

2. The petitioner says that he is in custody for 263 days. He has been falsely implicated. There is a relationship between the petitioner and the victim girl. However, the girl's family not having approved of such relationship, the false complaint has been lodged. The medical report does not support the prosecution case. He prays for bail.

3. Opposing the prayer, learned State advocate draws our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The girl squarely implicates the petitioner. Although, *prima facie*

there is nothing significant in the medical report, the same is not conclusive at this stage.

4. We are told that two other accused persons whom the victim named in the statement recorded under Section 164 of the Code of Criminal Procedure are absconding. Hence, charge has not been framed till date. The likelihood of this petitioner absconding, if released on bail, cannot be ruled out. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.

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

6. Since the petitioner is in custody for quite a few days, steps should be taken by the learned trial Court to split up the records, if necessary, and proceed with the trial against the petitioner so that the same may be concluded within a reasonable period of time.

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.)