

26.02.2025
52
Court No.26
S.D.
Rejected

CRM (DB) 4210 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gazole** Police Station FIR No. **458** of **2020** dated **09.10.2020** under Section **376** of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012

-And-

In the matter of: XXXX

... .. Petitioner

Mr. Sayantan Hazra
... .. For the Petitioner

Mr. S.S. Imam
Ms. Manasi Roy
... ..For the State
Mr. Dhananjay Banerjee
Mr. Arup Kumar Bhowmick
...For the victim

Petitioner renews the prayer for bail. Petitioner is in custody for 4 years and 4 months.

Learned advocate appearing for the petitioner submits that, there are hardly any possibility of the trial concluding in the near future given the facts that prosecution desires to examine 12 witnesses, but only one was examined.

State and the defacto complainant are represented.

Learned advocate appearing for the State submits that out of 12 prosecution witnesses, four were examined. He draws the attention of the Court to the materials on record. He submits that, the petitioner is the father of the victim.

The minor suffered penetrative sexual assault at the behest of the petitioner from the age of 7 continuously.

Materials on record suggest that the minor victim suffered continuous penetrative sexual assault from the age of 7 years.

Trial is in progress. Out of 12 prosecution witnesses, four were examined.

Given the relationship of the petitioner with the victim, enlarging the petitioner at the stage of the trial will be inimical to the trial.

In such circumstances, notwithstanding the period of custody of the petitioner, we are not inclined to grant bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4210 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)