

24.02.2025
172
Court No.26
S.D.
Rejected

CRM (DB) 4192 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 **Regent Park** Police Station Case No. **142** of **2023** dated **08.05.2023** under Sections **354B/354C/376/506/120B** of the Indian Penal Code and under Section 4/8/12 of the POCSO Act.

-And-

In the matter of: Subhajit Chowdhury
@ Subhojit Chowdhury
... .. Petitioner

Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Namrata Chatterjee
... .. For the Petitioner
Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Anand Keshari
Ms. Trisha Rakshit
... ..For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 1 year and 8 months. Out of 18 prosecution witnesses, only one was examined. Possibility of conclusion of the trial in the near future does not exist.

Learned Additional Public Prosecutor draws the attention of the Court to the deposition of the victim recorded at the trial.

Trial is in progress.

Victim implicates the petitioner in penetrative sexual assault. Victim deposed at the trial. Victim is a minor.

Considering the materials on record, gravity of the offence and the involvement of the petitioner therein, we are not inclined to grant bail to the petitioner on the principles of Article 21 of the Constitution. Period of custody is 1 year 8 months. Prosecution examined one witness.

The prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4192 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)