

30.01.2025
Item no. 38.
Court No.29.
AB
(Rejected)

CRM (DB) 4195 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur P.S. Case No.262 of 2024 Dated 26.05.2024 under Sections 376AB/307 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Ajit Sarkar

.....Petitioner.

Mr. J. N. Chatterjee, Sr. Adv,
Ms. Moumita Pandit
Ms. Jayasree Patra,
Ms. Sreeparna Ghosh
Ms. Ritusree Banerjeefor the Petitioner.

Ms. Sreyashee Biswas
Mr. Dipankar Mahatofor the State.

Dictated by Arijit Banerjee, J.

1. Pursuant to our order dated January 6, 2025, the State files a report through the Medical Officer, Balurghat Central Correctional Home, the material portion of which reads as follows:

“On 07.12.2024, he was referred at Emergency Department of Balurghat District Hospital for Vertigo and on same day he was admitted there as per advised of the E.M.O. of Emergency Department, Balurghat District Hospital. On 10.12.2024, he was discharged from Balurghat District Hospital. The M.O. of Balurghat District Hospital diagnosed the patient is suffering from HTN URGENCY, DM2, HYPERTHYROIDISM with advised him to some medicines of those diseases. All the medicines were issued to him accordingly. Presently the patient is doing well with the prescribed medicines of Discharge Certificate of Balurghat District Hospital”.

2. Let the report be kept with the records.

3. We, therefore, see that the petitioner is now stable. He is on medication for hyper-tension and thyroid related diseases.
4. The petitioner is in custody for 249 days. We have seen the statement of the defacto complainant, who has already deposed before the learned Trial Court. The victim girl is in the process of being examined before the learned Trial Court. Prima facie, there is incriminating evidence against the petitioner, who is 67 years of age. The victim girl was ten years of age at the time of the alleged incident.
5. The trial is, therefore, in progress. Nobody can say that there is inordinate delay in trial.
6. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
7. The prayer for bail is rejected.
8. CRM (DB) 4195 of 2024 is dismissed.
9. 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.)

