

24.02.2025
Item No.181
Court No. 26
CHC
Rejected

CRM (DB) 4256 of 2024

In re : An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Berhampore** Police Station Case No. **620** of **2020** dated **29.06.2020** under Sections **376/370/372/373/34** of the Indian Penal Code and Sections 3/ 4 /5/7 of I.T.P.A., 1956 and Sections 4/8/12/17 of the Protection of Children from Sexual Offences (POCSO) Act and Section 75 of the J.J. Act.

-And-

In the matter of : **Imam Sk.**

... ...**Petitioner**

Mr. Anisur Rahaman, Advocate

... ... For the Petitioner

Mr. Debasis Roy, Ld. P.P.

Mr. Arijit Ganguly, Advocate

Mr. Koushik Kundu, Advocate

... ...For the State

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that four coaccused were enlarged on interim bail from time to time.
3. Learned Public Prosecutor submits that, it is for the petitioner that the trial got delayed and the coaccused were enlarged on interim bail by the coordinate Bench. He points out that, the petitioner was absconding for the period of about 2 years 5 months from the date of the chargesheet being submitted.

4. Petitioner stands implicated in penetrative sexual assault of minor and rape as also Immoral Traffic (Prevention) Act, 1956.
5. Petitioner was absconding for a period in excess of 2 years 5 months from the date of the chargesheet being submitted.
6. We note that, the trial is at the fag end with the first Investigating Officer being examined.
7. Given such materials on record, the gravity of the offence and the involvement of the petitioner therein as also the period of time that the petitioner was absconding, we are not inclined to grant bail to the petitioner. Delay of the trial can be attributed to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. CRM(DB) 4256 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)