

4.
15-01-2025
(ct. no.29)
debajyoti
(rejected)

CRA (DB) 383 of 2024

In re: An application under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in connection with Goalpokher Police Station Case No.322 of 2022 dated 25-08-2022 under Sections 376/323/379 of the Indian Penal Code read with Section 3(w)(i)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 67 of the Information Technology Act.

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In the matter of : Mujaffar @ Muzaffar @ Mojaffar
.... Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh

... For the Petitioner.

Mr. Iqbal Kabir,
Mr. Santanu Talukdar

... For the State.

Mr. Madhu Jana,
Mr. Rahul Agarwala,
Mr. Golam Zaky,
Ms. Ritika Chowdhury

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status report filed on behalf of the State is taken on record.

2. The petitioner renews his prayer for bail which was rejected on merits earlier by a coordinate Bench by an order dated May 16, 2023, passed in CRA (DB) 78 of 2023. The petitioner says that he is in custody for 2 years 4 months. The victim is not a charge sheet named witness. It will be extremely difficult for the prosecution to establish its case without the victim's evidence. In any event, the pace of progress of trial is highly unsatisfactory.

3. Opposing the prayer, learned advocates for the State and the defacto-complainant place the material on record before us. *Prima facie*, it appears that there is sufficient incriminating evidence against the petitioner. The alleged crime is of a heinous nature.

4. We also see that this is not a case where it can be said that there has been no progress in the trial. Witness action started in August, 2023. 9 out of 12 charge sheet named witnesses have already been examined. It is expected that the trial would conclude on an early date.

5. As regards the victim not being a named witness in the charge sheet, we make no comment. We are sure that the prosecution knows what to do.

6. The application for bail is, thus, **dismissed**, at this stage.

7. We are told by learned State advocate that the next schedule is fixed on March 17-19, 2025. It is expected that the witness action will be completed during the next schedule and the trial will be concluded on an early date, keeping in mind the already lengthy incarceration of the petitioner.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)