

8.
17-02-2025
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 12 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Barasat Police Station Case No.177 of 2023 dated 08-03-2023 under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Tridip Halder @ Mona Ganguly
.... Petitioner.

Ms. Rashmi Roy
... For the Petitioner.

Mrs. Rituparna De Ghose,
Ms. Atulya Sinha
... For the State.

Dictated by Apurba Sinha Ray, J.

1. Service report filed by the State is taken on record. In spite of service, none appears on behalf of the defacto complainant/victim.

2. Status report filed on behalf of the State be kept with the records.

3. Learned advocate for the petitioner submits that the petitioner has been languishing in the judicial custody for more than 1 year 10 months. The charge is yet to be framed. There is no chance of an early conclusion of the trial and as such, the petitioner may be enlarged on bail on any condition.

4. Learned advocate for the State opposes the prayer for bail. According to her, the petitioner has filed a discharge petition on June 26, 2023 and that petition is still pending and prayer for adjournments was made on behalf of the

petitioner on several dates. However, as the discharge petition is still pending, the charge could not be framed. The delay, if any, is caused by the petitioner himself.

5. We have considered the materials on record and we find merits in the submission of learned advocate for the State. In view of the incriminating materials against the petitioner including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the petitioner himself is responsible for the delay in trial, we are not inclined to allow his prayer for bail, at this stage.

6. The application for bail is, thus, **dismissed**.

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

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)