

**04.09.2020**

Item No.10

Dc/Aj.

Rejected

**C.R.M. 6224 of 2020**  
**C.R.A.N. 1 of 2020 (Old No. C.R.A.N. 4733 of 2020)**  
**(Through Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO Special Case No. 23 of 2019 arising out of General Register Case No. 454 of 2019 originated from Sitalkuchi Police Station Case No. 132 of 2019 dated 04.06.2019 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Sirajul Haque @ Serajul Haque.  
... Petitioner.

Mr. Arnab Saha. ... For the Petitioner.

Mr. A. Chakraborty. ... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioner submits that the petitioner is in custody for a considerable period of time and as the charge sheet has already been submitted, further detention of the petitioner is unwarranted in the facts and circumstances of the case.

The learned Public Prosecutor (Jalpaiguri Circuit Bench) opposes the prayer for bail and submits that the prosecution case is substantiated by the statement of the

victim under Section 164 of the Code of Criminal Procedure and two of the accused persons are still absconding.

Having considered the submissions as also the materials on record, we are of the opinion that the petitioner cannot be favoured with an order of bail at this stage till the deposition of the victim is recorded by the learned Trial Court. Accordingly, the prayer for bail of the petitioner is rejected.

CRM 6224 of 2020 and CRAN 4733 of 2020 are disposed of.

**(Tirthankar Ghosh, J.)**

**(Samapti Chatterjee, J.)**