

15.09.2020

ssd

**CRM 6522 of 2020
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Namkhana P.S. Case No.82 of 2017 dated 10.08.2017 under Sections 376(2)(f)(i) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: **Prasanta Halder**

....Petitioner.

Mr. Mritunjoy Chatterjee

...for the Petitioner.

Mr. Saibal Bapuli

Mr. Arani Banerjee

...for the State.

The petitioner undertakes to appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims to be in custody for more than three months and says that the alleged survivor contradicted herself during her testimony and as such, the petitioner is entitled to obtain bail.

The State refers to the statement of the survivor recorded under Section 164 of the Code. Such statement is clear and categorical. The girl was aged 12 years at the time of the incident. Further, the trial has progressed substantially and eight of the witnesses have apparently been examined. It is understandable that during these Covid times the trial

has remained suspended. It is hoped that upon resumption of the normal functioning of court, the trial will be taken up without undue delay.

The prayer for bail is rejected at this stage.

CRM 6522 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)