

C.R.M. 6538 of 2020
IA No. 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 Canning Police Station Case No. 18 of 2020 dated 14.02.2020 under sections 325/376(2)(n)/370/372/373/328/506/34 of the Indian Penal Code, Sections 6/17 of the POCSO Act and Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act.

Sakir Molla alias Sakib Molla
Versus
State of West Bengal

Mr. Debajyoti Deb, Adv.

...for the petitioner.

Mr. Tanmoy Kr. Ghosh, Adv.
Mr. Arindam Sen, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is accordingly, disposed of.

The learned Counsel appearing on behalf of the petitioner has prayed for bail on the ground that the victim has not named the petitioner nor does his name appear in the FIR. It is further submitted that, although charge-sheet has been filed but there is no possibility of commencement of trial in near future.

Learned Counsel appearing on behalf of the State, however, opposes the prayer for bail. It is submitted that the statement of Kakoli Das has been recorded by the police under Section 161 of the Code of Criminal Procedure. The statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicated the petitioner. The statement of the victim recorded under Section 164 refers to the petitioner. However, the main allegation is against Allauddin.

Considering the fact that the charge-sheet has been filed and the statute requires that the trial has to be completed within the period of one year, we dispose of this application by directing the learned Judge, Special Court-cum-Additional Sessions Judge, 2nd Court at Alipore, South 24 Parganas, to conclude the trial as expeditiously as possible, preferably within the statutory period unless there are compelling reasons for not being able to conclude the proceeding within the statutory period. In the event of inordinate delay, the petitioner shall be entitled to apply for bail.

Let this order be immediately communicated to the learned District Judge, Alipore as well as the learned Judge, Special Court for immediately action.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)