

16.09.2020
SL No.25
Court No.8
(gc)

CRM 6585 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **05.09.2020** in connection with **Bhaktinagar** P.S. Case No.**552/2019** dated **25.07.2019** under Section **6** of **POCSO Act**.

In the matter of: **Ratan Roy.**

....Petitioner.

Mr. Jaydeep Kanta Bhowmick

...for the Petitioner.

Mr. Aditi Sankar Chakraborty,
Mr. S.S. Chakraborty

...for the State.

The 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.

Considering the urgency pleaded by the petitioner in CRAN 1 of 2020, instant CRM 6585 of 2020 is taken up for consideration.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The petitioner has prayed for bail. The petitioner is in custody since 26th July, 2019 in connection with offences under POCSO Act pending before the court below of learned Additional Sessions Judge, 2nd Court, Jalpaiguri.

The learned Counsel for the petitioner has submitted that between December, 2019 and March, 2020 nine dates have been fixed by the learned Trial Court for framing of charges but till date no charge has been framed and in view of the fact that there is no possibility of commencement of the trial in the prevailing pandemic situation and in the light of the period of detention already suffered by the petitioner, the petitioner may be enlarged on bail. The learned Counsel has relied upon a Coordinate Bench Decision in **CRM 5717 of 2020** with **CRAN 4097 of 2020 (in the matter of Sanatan Roy & Anr.)** dated 19th August, 2020.

We are not aware of the nature of offences and the complicity of the petitioner in **Sanatan Roy & Anr.** (supra). However, having regard to the memo of evidence and the extent of complicity of the petitioner in the commission of the alleged offences, we are not inclined to release the petitioner on bail. However, we also express our anxiety for the delay caused in framing of the charges. We direct the learned Trial Court notwithstanding the pandemic situation to decide the issue of framing of charges on or before 30th November, 2020.

This order shall immediately be communicated to the learned Additional Sessions Judge, 2nd Court, Jalpaiguri for compliance.

The application for bail being CRM 6585 of 2020 is, thus, rejected.

(Jay Sengupta, J.)

(Soumen Sen, J.)