

30.09.2020

Court No.27

**CRM 7047 of 2020
(CRAN 1 of 2020)
(Via Video Conference)**

Item 2

sg

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Aberdeen Police Station Case No. 08 of 2020 dated 06.01.2020 under Sections 5(f)/6/11(iii) of the POCSO Act.

Mohsin Khan
Versus
The UT of Andaman & Nicobar Administration

Mr. Mohammed Tabraiz, Adv.

...for the Petitioner.

Mr. Krishna Rao, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up through video conference.

CRAN 1 of 2020 is accordingly, disposed of.

The application for bail was earlier rejected by a co-ordinate Bench on 10th June, 2020. The reasons for cancellation of bail by the co-ordinate Bench are as follows:

“Considering that charge-sheet has been filed and the nature of relationship between the petitioner and the alleged victim, the prayer for bail cannot be acceded to. In any event, the trial may be jeopardized if the petitioner leaves the Islands after bail is granted at this stage.”

This application has been filed on the ground that the petitioner was infected with Covid positive and there is no possibility of trial being commenced in view of the pandemic situation prevailing in the Islands.

We have heard the learned Counsel for the parties. It appears that the quarantine period of the petitioner is over and as on date, he is not suffering from

Covid. Moreover, there has been no change in circumstances for which we may revisit the prayer for bail at this stage.

Mr. Rao, learned Counsel for the State has submitted that situation has improved in the Islands and courts have now started functioning.

In view of the fact that charge-sheet has already been filed, we would request the learned Judge, Special Court under POCSO Act, Andaman & Nicobar Islands at Port Blair to take expeditious steps in the matter and to conclude the trial within the statutory period prescribed under Section 35 of the POCSO Act, 2012.

The application for bail is, accordingly, disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)