

29.09.2020
Item no. 6
Ct.12
FB/G. S. Das

C.R.M. No.7307 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 Session Case No. 45 of 2018 (POCSO) arising out of Matelli Police Station Case No. 173 of 2018 dated 28.11. 2018 under Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012 read with Section 376((3) of Indian Penal Code.

And

In the matter of:-

Labib Hossain

... Petitioner

Mr. Arnab Saha

.. for the petitioner

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar

..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.

Learned Advocate for the petitioner submits that the petitioner is in custody for about 670 days and as there was a relationship existing between the victim and the petitioner, there is every possibility to change the circumstances subsequently. Learned Advocate further submits that as the charge-sheet has already been submitted and charge has already been framed, there is no requirement of the petitioner to remain in custody.

Learned Advocate for the State is present and draws the attention of this Court to the earlier order passed in CRM 705 of 2019.

We have perused the earlier order passed by a co-ordinate Bench on 27.08.2019 and we are of the opinion that although the petitioner is in custody for a considerable period of time yet the deposition of the victim is yet to be recorded by the Learned Special Court.

In view of the pendency of the case for a considerable period of time, we are of the opinion that the Learned Trial Court should record the evidence of the victim within a reasonable period of time and thereafter proceed with the trial of the case to take its logical conclusion. The petitioner will be at liberty to renew such prayer after the evidence of the victim has been recorded by the Learned Trial Court.

For the present, the prayer for bail of the petitioner is rejected.

Accordingly, CRM 7307 of 2020 along with CRAN 1 of 2020 are disposed of.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)