

18.11.2020
6 DL
Sws M/G.S.Das
Ct. No.11

CRM 7769 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO Case No. 30/2020 arising out of Raiganj Police Station Case No. 399 of 2020 dated 26.05.2020 under Section 363 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : **Maksad Rahaman @ Moksed Rahaman @ Raju**
..... Petitioner

Ms. Sujata Das

.... for the Petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

The petitioner undertakes to affirm and 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.

Learned Counsel for the petitioner submits that the petitioner is in custody for about 164 days and he has been falsely implicated in the case. Learned Advocate further submits that although charge has been submitted but there has been no progress in the case.

Learned Advocate for the State produces the case diary and draws the attention of the Court to the Statement of the victim under Section 164 of the Code of Criminal Procedure.

We have perused the materials on record including the case diary and the statement of victim and also considered the stage of the case having regard to the fact that the charge is yet to be framed and the deposition of the victim is to be recorded within a scheduled time (as prescribed under the Act), we are of the opinion that it would not be fit and proper to release the petitioner on bail.

Accordingly the prayer for bail is **Rejected**.

With these observations, CRM 7769 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)