

18-11-2020
k.b/b.r.
Item no.21
Bail rejected
Crt.11

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7961 of 2020
Selim Sk @ Selm @ Salim Sekh
-vs-
The State of West Bengal

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with C.SPL. Case No. 106 of 2018, arising out of Domkal P.S. Case No. 754 of 2018 dated 19.10.2018 under Sections 377/323/448/506/34 of the Indian Penal Code, 1860 and Section 4 of the POCSO Act, 2012.

Mr. Somnath Adhikary ...for the petitioner.

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen ... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition 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.

The learned advocate for the petitioner submits that the petitioner is in custody for more than two years and till date only the deposition of the victim boy has been recorded and there are further eight witnesses to be examined. Learned advocate further submits that so far as the evidence of the victim before the learned Trial Court is concerned, the same do not corroborate the prosecution case.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the medical/injury report as well as the statement of the victim boy before the learned Magistrate under Section 164 of the Code of Criminal Procedure.

We have taken into account the injury report as well as the

statement of the victim under Section 164 of the Code of Criminal Procedure and the surrounding circumstances, which appear to be against the accused.

Having regard to the same, we are of the opinion that the deposition of the victim cannot be taken isolatedly without taking into account, the injury report wherein the name of the petitioner transpires as well as the statement before the learned Magistrate under Section 164 of the Code of Criminal Procedure.

Having regard to the cumulative circumstances appearing in the instant case, we are not inclined to release the petitioner on bail at this stage.

As such the prayer for bail of the petitioner is rejected.

However, the learned Trial Court is directed to expeditiously proceed with the trial keeping in mind the fact that the petitioner is in custody for more than two years and another eight witnesses are to be examined.

The Investigating Officer is directed to co-operate with the learned Trial Court and take all efforts for producing the witnesses on the date so fixed before the learned Trial Court and not to delay the proceedings any further.

With the aforesaid observation, the application for bail, being CRM No. 7961 of 2020 is disposed of.

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

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]

