

20.10.2020
SL No.11
Court No.12
(gc)

CRM 8101 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Khanakul** P.S. Case No.**369/2013** dated **10/09/2013** under Sections **363/365/368** of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act, 2012.

And

In the matter of: **Sri Ajay Saroha.**

....Petitioner.

Ms. Srimoyee Mukherjee

...for the Petitioner.

Mr. Parthapratim Das,

Ms. Manasi Roy

...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.

Having considered the statement of the victim under Section 164 of the Cr.P.C. directly implicating the petitioner as well as having regard to the fact that the petitioner was absconding for almost six years. The possibility of the petitioner absconding in the event he is released on bail cannot be ruled out. Moreover, as noted earlier, the statement of the victim has directly implicated the petitioner.

On such consideration, we reject the application for bail being CRM 8101 of 2020.

In this case, we have noted that two persons were granted statutory bail due to the failure on the part of the Investigating Officer to file the charge-sheet. We direct the Superintendent of

Police of Hooghly to investigate into this matter and find out the reasons for not filing the charge-sheet in time and take steps against the persons and police officers responsible for the delayed investigation and lackadaisical approach adopted by them.

The Superintendent of Police of Hooghly shall file a report with the learned Registrar General, High Court, Calcutta in a sealed envelope within three weeks from the date of communication of this order by the office of the learned Registrar General.

All parties are to act on a website copy of this order on the usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)