

24-11-2020

k.b/b.r.

Item no.11

Bail rejected

Crt.11

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 8574 of 2020

Gopal Singha

-vs-

The State of West Bengal

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Habibpur P.S. Case No. 65 of 2018 dated 23.02.2018 under Sections 4/6 of the POCSO Act (POCSO Case No. 32/2018.)

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick ...for the petitioner.

Mr. T.K. 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 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 advocate for the petitioner submits that the petitioner is in custody for more than two years nine months and after examination of four witnesses, the prosecution is not interested in proceeding with the case.

Learned Advocate for the petitioner further submits that the petitioner is unnecessarily languishing in custody.

Mr. Ghosh, learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was eleven years of age and her statement and medical report clearly corroborate the

prosecution case.

We have perused the materials on record including the Case Diary, which includes the statement of the victim girl and the injury report.

We have also taken into account the deposition of the victim and after assessing the progress, we are of the opinion that it would not be proper to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

However, having regard to the stage of the case and the grievance of the petitioner regarding the delay caused by the prosecution, we direct the learned Trial Court to take efforts so that the prosecution can produce all its witnesses and complete its evidence by first week of March, 2021.

With the aforesaid observation, the application for bail, being CRM No. 8574 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.]

