

19.11.2020
Court No. 16
Item No.12
(D/L)
akd & ab

CRM 8602 of 2020
(Via Video Conference)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur Police Station Case No. 1272 of 2016 dated 02.06.2016 under Sections 376(2)(i) of the Indian Penal Code read with Section 6 of POCSO Act.

and

In the matter of: Amit Dhara.

..... Petitioner

Mr. Sandip Mondal.

.....for the Petitioner

Ms. Zareen N. Khan,

Mr. Mirza Firoj Ahmed Begg.

..... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner renews the prayer following the previous rejection by this Court in July, 2019. The petitioner points out that the relevant order required the trial to be completed within six months of such order.

It has to be accepted that because of the pandemic, the business in courts has been in complete disarray and final hearings and trials have not been conducted for a considerable period of time. Slow steps have now been taken for resumption of trials. The State says that the trial is next fixed on November 27, 2020.

Considering the statement of the survivor recorded under Section 164 of the Code and the medical report, the petitioner does not deserve any latitude. The attack was brutal. There is sufficient material against the petitioner. Such a person cannot be left to roam freely in society.

The trial court should ensure that if the circumstances in

such court are appropriate, the trial should be taken up and completed without undue delay.

CRM 8602 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J)