

24.11.2020
18
Sws M/G.S.Das
Ct. No.11

CRM 8939 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special POCSO Case No. 174 of 2017 arising out of Belghoria Police Station Case No. 960 of 2017 dated 09.11.2017 under Section 366A/370/370A/376/109/120B of the Indian Penal Code and Section 3/4/5/6/7/9 of the Immoral Traffic Prevention Act, 1956 and also Section 17/18 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of : **Mampi Dhali @ Mampi Dhole @ Mamon**
..... Petitioner

Mr. Abhijit Adhya
Ms. Sudeshna Basu Thakur
.... for the Petitioner

Mr. Neguive Ahmed,
Ms. Amita Gaur.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 Advocate for the petitioner submits that the petitioner is in custody for 1110 days and there has been no progress in the trial as out of 26 witnesses only seven witnesses have been examined.

It is further contention of the Learned Advocate for the petitioner that as the present petitioner also happens to be a lady and her role is very limited, she may be released on bail.

Learned Advocate for the State opposes the prayer for bail and draws the attention of this Court to the evidence of the relevant witnesses as also the fact that the trial has been delayed because of number of accused persons are absconding.

We have taken into account the submissions of both the sides and having considered the nature and gravity of the offence, we are not inclined to release the petitioner on bail at this stage.

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

However, the petitioner is in custody for 1110 days and in view of the fact that the case is slowly progressing for various reasons, we direct that the Learned Trial Court would take effective steps for progressing with the trial. The Investigating Officer of the case is present in Court. On instruction, Learned Advocate for the State submits that in case the Court fixes regular dates, all steps would be taken so that the witnesses appear on the dates so fixed by the Learned Trial Court and, as such, the Learned Trial Court is directed to take all steps to conclude the trial within a period of six months from date and not to grant any adjournment to either of the parties without any substantial cause.

With these observations, CRM 8939 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.)

