

November 12, 2020.
sd/rc
Item No.15/DL
Ct. No.08

C.R.M. No. 9069 of 2020

(Via Video Conference)

In Re: An application for bail under **Section 439 CrPC** filed on 05.11.2020 in connection with Falta Police Station Case No.523 of 2014 corresponding to POCSO Case No. 359 of 2014 being Special ST No. 39(07) of 2017 under Section 376(2)(1)/379 of the IPC and Section 6 of the POCSO Act.

And

In the matter of: Somnath Pramanick @ Bapan ...Petitioner.

Sk. Toslim Ali ...for the petitioner.

Mr. Imran Ali
Mrs. Manasi Roy ...for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for about six years and inspite of the examination of all the prosecution witnesses being completed the Investigating Officer is not appearing in Court for evidence.

Learned advocate for the petitioner has drawn the attention of the court to the dates being fixed recording the evidence of the Investigating Officer and the order being passed by the learned Special Court on 20.12.2019 for appearance of the Investigating Officer for recording his evidences.

Mr. Ali, learned advocate appearing on behalf of the State opposes the prayer for bail.

Having regard to the stage of the case we are not inclined to release the present petitioner on bail. As such the prayer for bail is rejected.

However, having regard to the conduct of the Investigating Officer, we are of the opinion that the necessary steps should be taken by the Superintendent of Police, South 24-Parganas for ensuring the attendance of the Investigating Officer before the learned Special Court on November 26, 2020 and on the subsequent dates fixed by the learned Trial Court. In case of non-compliance of the order of this Court, the learned Special Court will be at liberty to exhaust all processes of law including coercive process against the Investigating Officer. The learned Trial Court will take all steps so that within six months from date the final outcome of the case is pronounced by the learned Judge.

With the aforesaid observations and directions CRM No. 9069 of 2020 is disposed of.

[Tirthankar Ghosh, J]

[Shivakant Prasad, J]