

November 12, 2020.
sd/rc
Item No.45/DL
Ct. No.08

C.R.M. No. 9118 of 2020

(Via Video Conference)

In Re: An application for bail under **Section 439 CrPC** filed on 05.11.2020 in connection with Haldibari Police Station Case No.48 of 2020 dated 18.03.2020 under Section 4 of the POCSO Act, 2012.

And

In the matter of: Md. Majibar ...Petitioner.

Mr. Tanmoy Basu
Mr. Subasish Mishra ...for the petitioner.

Mr. A. S. Chakraborty
Mr. Niloy Chakraborty
Mr. Biswarup Roy ...for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for a considerable period of time, although charge sheet has been submitted, charge is yet to be framed.

Learned advocate appearing for the State opposes the prayer of bail and submits that the victim is 13 years old while the present petitioner is aged about 50 years. Learned advocate appearing for the State draws the attention of the Court to the statement of victim under Section 164 of the Cr.P.C.

We have considered the materials on record as also the statement of the victim under Section 164 of the Cr.P.C. Having regard to the fact that the deposition of the victim is yet

to be recorded (as the charge has not yet been framed), we are of the opinion that it would not be fit and proper to enlarge the accused on bail at this stage.

As such, the prayer for bail is rejected.

However, having regard to period of detention, we direct the learned Trial Court to complete the process of consideration of charge within a month from the date of communication of this order.

With the aforesaid directions CRM No. 9118 of 2020 is disposed of.

[Tirthankar Ghosh, J]

[Shivakant Prasad, J]