

25.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 9158 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 123 of 2020 dated 04.04.2020 under Sections 376(2)(n) of the Indian Penal Code and Section 4 and 6 POCSO Act.

And

In the matter of : **Rakesh Mallick @ Kashem Mallick**

..... Petitioner

Mr. Soumya Roy
Mr. F. Rahman Molla

.... for the Petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...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 he is in custody since April, 2020 and although charge-sheet has been submitted there is no progress in the case. It is the further submission of the Learned Advocate that there was a relationship between the victim and the present petitioner.

Learned Advocate for the State draws the attention of this Court to the statement of the victim under Section 164 of the Code of

Criminal Procedure and further informs regarding the consequences which ensue for the act of the present petitioner.

It is further submitted that the present petitioner is a married man with two children.

Having regard to the materials available in the case diary and considering the nature and gravity of the offence with the stage of the case, we are not inclined to grant bail to the petitioner at this stage.

In view of the observations made above, the bail application of the petitioner is **rejected** at this stage.

With these observations, CRM 9158 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.)