

27.11.2020.
Item No. 19
(Dismissed)
agm

(Via Video Conference)

C.R.M. 9413 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Munna Hazra.**

... petitioner.

Mr. Arindam Sen,
Mr. Raha Sharma,

...For the petitioner.

Mr. Saswata Gopal Sharma, Ld. P.P.
Ms. Manasi Roy,

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that there was a love affair between the petitioner as well as the minor victim girl and due to resistance shown by the victim girl's family, they left the house together and later on was apprehended on the basis of the alleged complaint lodged by the parents of the minor victim girl. It is further submitted that the victim girl was neither kidnapped nor forcibly raped as alleged by the police in the charge sheet submitted in this regard.

The learned Advocate for the State opposes the prayer for bail. It is submitted that the trial has already commenced and infact there is a considerable progress as only one

witness was left to be examined. It is further submitted that because of the pandemic the trial could not progress further.

Considering the submissions made by the respective counsels and on perusal of the case diary including the statements of the victim girl and the fact that only one witness is to be examined by the Sessions Judge, we do not think that it is a fit case that the petitioner should be released on bail.

The prayer for bail is rejected.

However, the learned Judge of the POCSO Court is directed to fix the date for recording of the evidence of the left out witness and shall see that the case is brought to its logical end within four months from the date of communication of this order in accordance with law.

The application being CRM 9413 of 2020 is **dismissed**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)