

17.02.2020

Court No.01
Item No. 08
(Disposed of)

akd

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

CRM 65 of 2020

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 09.01.2020 in connection with Cooch Behar Women Police Station Case No. 24 of 2019 dated 11.05.2019 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No. 08 of 2019.

And

In the matter of : **Binoy Modak**

.....Petitioner

Mr. Pronojit Roy.

....For the Petitioner

**Mr. A. S. Chakraborty, Ld. A.P.P.,
Mr. Aniruddha Biswas.**

.....For the State

This is an application for bail under section 439 of the Code of Criminal Procedure filed in connection with Cooch Behar Women Police Station Case No. 24 of 2019 dated 11.05.2019 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No. 08 of 2019.

We have heard learned Counsel for the petitioner and learned Counsel for the prosecution.

We have examined the materials in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. As on the date of the incident the victim girl was only about 10 years old. We are told that trial has begun. Two witnesses have already been examined.

In view of the nature and gravity of the alleged offence and

taking the totality of the facts and circumstances of the case into consideration, we are not inclined to grant bail to the petitioner in this matter.

However, we request the learned Trial Judge to expedite the trial and complete the same as expeditiously as possible and preferably within a year from date.

The application for bail, being CRM 65 of 2020, is, thus, disposed of.

(Abhijit Gangopadhyay, J)

(Arijit Banerjee, J)