

05.10.2020

Item No.03

Dc/Aj.

C.R.M. 5288 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Case (POCSO) No. 34 of 2020 corresponding to NJP Police Station Case No. 329/2020 dated 08.04.2020 under Section 6 of the POCSO Act.

And

In the matter of : Osman Ali. ... Petitioner.

Mr. Joydeep Kanta Bhowmik. ... For the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Shankar Sikdar. For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioner submits that the petitioner is in custody for about six months and as charge sheet has already been submitted, further detention of the petitioner is unwarranted for the sake of investigation.

The learned advocate for the State draws the attention of this Court to the memorandum of evidence and in support of its case strongly relies upon the injury report as well as the statement of the victim under Section 164 of the Code of Criminal Procedure.

We have perused the materials available before us and on consideration of the medical report, the statements of the witnesses as well as the statement of the victim under Section 164 of the Code of Criminal Procedure, we are of the opinion that until and unless the deposition of the victim is recorded by the learned Special Court, it would not be fair to release the petitioner on bail. Accordingly, prayer for bail of the petitioner is rejected at this stage.

C.R.M. 5288 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)