

12.01.2021
Court No.28
Item No. 18
Krishnendu
Bail Rejected

**CRM 130 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Suman Jana @ Milan @ Papu @ Natu**

.....Petitioner

Mr. Arindam Jana

Mr.Soumajit Chatterjee

....For the Petitioner

Mr. Swapan Banerjee

Mr. Suman De

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Contai Women Police Station Case No. 68 of 2020 dated 01.09.2020 under section 376 of the Indian Penal Code read with section 4 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner is in custody for 112 days and he has been falsely implicated in the instant case and as charge sheet has already been submitted, further detention of the petitioner is unwarranted.

Mr. Banerjee, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this

Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure as well as the other materials appearing in the record.

We have taken into account the facts and circumstances of the case, including the nature and gravity of the offence as well as the fact that although charge sheet has been submitted, but for various reasons the learned Special Court could not till date overcome the stage of consideration of the charge.

In view of the aforesaid position, we hold that the learned Special Court should overcome the stage of consideration of charge on the next date, so fixed, or within a week thereafter. The learned Special Court should thereafter comply with the provisions of sub-section (1) of section 35 of the POCSO Act. The application for bail of the petitioner is rejected for the present.

The petitioner will be at liberty to renew his prayer for bail after the evidence of the victim has been recorded by the learned Special Court.

With the aforesaid observations, the application for bail, being CRM No. 130 of 2021, is dismissed.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

