

12-01-2021
subha
Item no.25
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 158 of 2021

Kartick Sarkar @ Kartick Chandra Sarkar @ Utpal

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Women Police Station Case No. 69 of 2020 dated May 23, 2020 under sections 376/506 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act and corresponding to POCSO case No. 23 of 2020.

Mr. Sujoy Sarkar

...for the petitioner.

Mr. Bidyut Roy
Ms. Rita Dutta

... for the State.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner is in custody for 229 days and although the charge-sheet has already been submitted but till date there has been no progress in the trial of the case.

Mr. Roy, 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 medical documents which have been collected by the Investigating Agency in course of investigation.

We have perused the materials on record in the case diary and on appreciation of the same, we are of the view that the petitioner is not entitled to be released on bail at this stage.

Accordingly, the prayer of the bail of the present petitioner is rejected.

The learned Special Court is directed to comply with the provisions of sub-Section (1) of Section 35 of the Protection of Children from Sexual Offences Act, 2012 in its true and proper spirit.

The petitioner is granted liberty to renew the prayer for bail after the evidence of victim is over.

With the aforesaid observations, the application for bail being CRM 158 of 2021 is disposed of.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

