

12.01.2021

Item No.27

Ct.No.28

dc.

Rejected

C.R.M. 175 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Raiganj P.S. Case No. 399 of 2020 dated 26.05.2020 under Section 363 of the Indian Penal Code read with Section 4 of Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Moksed Rahaman @ Raju ... Petitioner.

Ms. Jeenia Rudra ... For the Petitioner.

Mr. P. K. Datta,
Mr. Subrata Roy ... For the State.

The learned advocate for the petitioner submits that the petitioner is in custody for about 198 days and although charge-sheet has already been submitted yet there has been no progress in the case. The learned advocate further 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/injury reports available in the case diary.

We have perused the materials on record and considering the nature and gravity of the offence and having regard to the fact that the evidence of the victim is yet to be completed, we are of the opinion that the petitioner is not

entitled to be released on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

The learned Special Court is directed to comply with the provisions of Section 35(1) of the POCSO Act in its true and proper spirit.

The petitioner is granted liberty to approach this Court after the evidence of the victim is over before the learned trial court.

With the aforesaid observations, CRM 175 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)