

08.02.2021

Item No.12

Ct.No.28

Subha

rejected

C.R.M. 354 of 2021

(Via Video Conference)

Bikram Mandal

-versus-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Baishnabnagar P.S. Case No. 101 of 2019 dated 26-02-2019 under Sections 363/365/34 of the Indian Penal Code and Sections 6/17 of the POCSO Act, 2012(G. R. Case No. 747 of 2019).

Mr. Srinjoy Sengupta
Mr. Saurav Roy
Mr. Narattam Acharyya

... For the Petitioner.

Mr. Tapandeb Nandy
Mr. Antariksha Basu

... For the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 634 days and till date the examination of the victim could not be conducted for which the petitioner cannot be blamed.

Learned advocate appearing for the petitioner further submits that the petitioner is unnecessarily languishing in jail and no steps have been taken by the prosecution, although the

witnesses are not appearing in the trial court on the dates so fixed for hearing.

Mr. Basu, learned advocate appearing for the State opposes the petitioner's 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.

A report dated 6th February, 2021 has also been submitted by the S. I of Police, Baishnabnagar Police Station through the learned advocate appearing for the State. Let the report be kept with the record.

It is reflected from the report that the next date is fixed on 26th February, 2021 for evidence of the victim.

We have taken into account the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the complicity of the present petitioner, we are not inclined to grant bail to the present petitioner.

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

However, having regard to the fact that the petitioner is in custody for a considerable period of time (634 days) and the order-sheets reflect that as the witnesses are not appearing, the learned trial court is directed to give effect to the order passed by the said court on 22nd January, 2021 in its true letter and spirit.

The prosecution is directed to co-operate with the court and take all relevant steps for producing the witnesses on the said date as directed by the learned trial court.

With the aforesaid observations, the application being CRM 354 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)