

09.06.2021
Court No.28
SL No.106
PJ/KC

**CRM 1206 of 2021
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **POCSO Trial No. 01(12)2019 arising out of Ranaghat Women Police Station Case No. 94/2019 dated 3.10.2019 under Section 376 AB of the Indian Penal Code and Sections 4/8 of the POCSO Act in charge-sheet no. 107/2019 dated 3.11.2019 under Sections 376(2)(i) of the Indian Penal Code and Sections 4/8 of the POCSO Act;**

And

In the matter of: **Samir Adhikarky,**

....Petitioner.

Mr. Angshuman Chakraborty,

... for the Petitioner.

Ms. Zareen N. Khan

Mr. Ashok Das,

...for the State.

This bail application under Section 439 Cr.P.C. has been filed in connection with POCSO Trial No. 01(12)2019 arising out of Ranaghat Women Police Station Case No. 94/2019 dated 3.10.2019 under Section 376 AB of the Indian Penal Code and Section 4/8 of the POCSO Act in charge-sheet no. 107/2019 dated 3.11.2019 under Sections 376(2)(i) of the Indian Penal Code and Sections 4/8 of the POCSO Act.

Learned counsel for the petitioner would argue that the only evidence on record is that of an eyewitness and the same is not corroborated by the medical report. He also submits that the petitioner is 65 years of age and is in custody for two years.

It is further submitted that the victim has refused to undergo medical examination.

Learned counsel for the State submits that the statement under Section 164 and 161 Cr.P.C. indicate the complicity of the petitioner.

Having considered the facts and circumstances of the case and the case diary and the evidence on record, this Court is of the view that the bail cannot be allowed to the petitioner.

The prayer for bail of the petitioner stands rejected.

The Court below should complete the trial within a period of eight months from the date of communication of this order.

The Registry is directed to notify the Court below of the aforesaid order.

CRM 1206 of 2021 is accordingly dismissed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)