

30.06.2021
Item no.77
Court No.28
S.De

(Bail Rejected)

(Via Video Conference)

CRM 2985 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.03.2021 in connection with Special Case (POCSO) No. 04/2020 arising out of Paikar P.S. Case No.200/2019 dated 12.10.2019 under Sections 363/365/34 I.P.C. adding Section 120B I.P.C. and Section 4/6 POCSO Act.

and

In the matter of : Mukesh Sk. @ Mukhesh Khan.

.....Petitioner

Mr. Asif Dewan, Advocate,

.....for the Petitioner.

Mr. Saswata Gopal Mukherji, Ld. Public Prosecutor,

Mr. Debabrata Chatterjee, Ld. A.P.P.,

Mrs. Manasi Roy, Advocate,for the State.

The petitioner pleads ignorance on his involvement in the alleged commission of the offence. It is submitted that the petitioner is in custody since 20th October, 2020; but the trial has not commenced.

The learned advocate for the State draws our attention to the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure wherein she narrated the unfortunate incident and divulged the name of the petitioner as prime accused. Though the investigation was completed and the charge sheet had been filed on 10th April, 2020 but the petitioner avoided the arrest till 20th October, 2020. The aforesaid conduct of the petitioner does

not instill confidence in us that if the petitioner is released on bail there is no chance of absconsion. Furthermore, considering the gravity of the offence alleged to have been committed by the petitioner, we do not think it is a fit case to enlarge the petitioner on bail. However, we request to the learned Judge to expedite the trial.

Accordingly, the prayer for bail is rejected.

The application being CRM 2985 of 2021 is, accordingly, dismissed.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)