

23.02.2021
Item no.09
Court No.28
Avijit Mitra

C.R.M. 4879 of 2020 (through video conference)
with
IA No. CRAN 1 of 2020 (Old CRAN No.3088 of 2020)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No.148 of 2020 dated 16.03.2020 under Sections 8/12 of Protection of Children from Sexual Offences Act;
And

In re: **Pankaj Das** ... petitioner

Mr. Ankit Agarwala,
Mr. Subir Debnath,
Ms. Alotriya Mukherjee,
Mr. Vineet Ojha
... for the petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen
...for the State.

The application being CRAN 1 of 2020 (Old CRAN No.3088 of 2020) filed in connection with the present application for bail has already been disposed of by an order dated 23rd December, 2020.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for over 300 days although investigation has been complete but till date charge has not been framed in the instant case. Learned advocate submits that as there was a difference of representation at the time of registration of F.I.R. and subsequent development of the case, the petitioner is entitled to get the benefit of the same and be released on bail.

The learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the victim under Section 164 of the Code of Criminal Procedure as well as the medical reports.

We have perused the case diary which included statements of witnesses of the victim and the medical report. Having considered the same, 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.

However, as the chargesheet has already been submitted the learned Trial Court is directed to adhere to the provision of Section 35 of the POCSO Act and expedite the progress of the trial.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)