

25.08.2021

CRM 3128 of 2021

Court No.28
Item No.12
(Rejected)

As
&
Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Hingalganj P.S. Case No.134 of 2020 dated 02.08.2020 under Sections 363/365 along with added Sections 376(2)(i)(j)/366/506/34 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of : **Jogesh Mondal @ Suvankar.**
...Petitioner

Mr. Subhadeep Ghosh.
...For the Petitioner

Mr. Saibal Bapuli, Id. A.P.P.,
Ms. Zareen N. Khan,
Mr. Ashok Das.
...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Hingalganj P.S. Case No.134 of 2020 dated 02.08.2020 under Sections 363/365 along with added Sections 376(2)(i)(j)/366/506/34 of the Indian Penal Code read with Section 4 of the POCSO Act.

The hearing of this matter was adjourned on several occasions so that the evidence of the minor victim girl could be recorded and she may be discharged after cross-examination. When the matter is taken up today, we are told that the evidence of the minor victim girl has been recorded and she is discharged after the cross-examination.

The learned Advocate for the petitioner submits that there is an apparent and glaring contradiction in her statement made in chief and in cross-examination and, therefore, the petitioner should not remain in custody any longer.

We had an occasion to peruse the statement of the victim girl

both in the examination-in-chief and in the cross-examination and the aforesaid statement of the petitioner does not inspire us to go to such extent when the trial is still continuing. However, the materials which have been found against the petitioner do not warrant the petitioner to be released on bail.

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

However, the learned Judge of POCSO Court is requested to proceed with the trial of the case and attempt must be shown to dispose of the same within seven months from the date of communication of this order.

The application for bail, being CRM 3128 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)