

24.09.2021

CRM 4333 of 2021

court no. : 28
Item no. : PB-10
matter : 439
status : REJECTED
transcriber : nandy

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 28.06.2021 in connection with AJC Bose B Garden Police Station Case No. 172 of 2020 dated 10.10.2020 under Section 376 of the Indian Penal and Sections 4/6/8 of POSCO Act.

and

In the matter of: **Avijit Sen @ Bulta**

.....Petitioner

Mr. Subhasis Panchal, Advocate

.....for the Petitioner

Mr. Md. Kutubuddin, Advocate

.....for the State

The petitioner has filed the instant application for bail in connection with AJC Bose B Garden Police Station Case No. 172 of 2020 dated 10.10.2020 under Section 376 of the Indian Penal and Sections 4/6/8 of POSCO Act.

This is the second round of litigation before this Court. The earlier application for bail being CRM 11172 of 2020 was rejected on March 17, 2021 with the categorical finding that there has been incriminating material against the petitioner and his role ascribed to the commission of an offence.

The learned Advocate of the petitioner could not show any material which may justify the changed circumstances warranting a different decision to be taken than what had already been taken in an earlier application for bail. It is an unfortunate incident that the victim girl, four years of age, had made a statement under Section 164 of the Code of Criminal Procedure vividly narrating the incident, prima facie, involving the petitioner. We do not feel that it is fit case where the petitioner should be enlarged on bail.

Thus, the prayer of bail is **rejected**.

The application for bail being **CRM 4333 of 2021** is thus **dismissed**.

We are informed that chargesheet has been filed but the Special Judge under the POCSO Act has not framed the charges as yet.

We request the learned Special Judge to fix a date for framing of the charges, if not already fixed, and endeavour shall be shown to expedite the trial of the case.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)