

16.11.2021

Court No.28
Item No.42
(REJECTED)

Saswata

CRM 4811 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Golabari Police Station Case No. 310 of 2020 dated 23.10.2020 under Sections 341/323/506/354 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Kanchan Sonkar**

...Petitioner.

Mr. Ritzu Ghosal

Mr. Mrityunjoy Chatterjee

Mr. Susnigdho Bhattacharyya

...For the Petitioner

Mr. Rana Mukherjee, APP

Ms. Sujata Das

Mr. Koushik Mukherjee

... For the State

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari Police Station Case No. 310 of 2020 under Sections 341/323/506/354 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner has been implicated in connection with the aforementioned case and is languishing in jail since 17th November 2020.

It is further submitted that the case has been initiated out of vengeance and there is no incriminating materials found against the petitioner.

Learned Advocate for the State opposes the prayer for bail and submits that the victim girl has divulged the incident happened on the fateful day in her statement recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective counsels and on perusal of the materials on record including the statement of the minor victim girl

recorded under Section 164 of the Code of Criminal Procedure, we do not think that it is a fit case where the petitioner should be enlarged on bail at this stage.

Furthermore, charge sheet has already been submitted but charges have not been framed and date for such purpose was fixed in the month of July 2021.

We, therefore, request the learned Special Judge under the POCSO Act to fix the date for framing of charges, which should not exceed beyond a month from the date of communication of this order and effort shall be shown to frame the charge immediately.

The learned Special Judge shall also fix the date for recording evidence of the charge sheeted witnesses and the first witness, who will be the minor victim girl herself, shall be produced by the prosecution and after the completion of her deposition, liberty is granted to the petitioner to renew the prayer for bail.

We, thus, ***reject*** the prayer of the petitioners for bail

The application for bail being CRM 4811 of 2021 is accordingly ***dismissed.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)