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December
10, 2021
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C.R.M. No.5309 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Tapan Police Station Case No.135 of 2021 dated 23.05.2021 under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012;

Najrul Sarkar
Versus
The State of West Bengal

Mr. Koushik Chowdhury,
Ms. B. Khatoon.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Tanmoy Ghosh,
Mr. Arindam Sen.
...for the State.

Learned advocate for the petitioner submits that the petitioner is in custody for more than 200 days and date has been fixed by the learned special court for supply of copies. Additionally, learned advocate for the petitioner submits that, as the investigation has been concluded, further detention of the petitioner is unwarranted in the facts and circumstances of the case.

Learned advocate for the State produces the case diary and draws the attention of this Court to the statement under Section 164 of the Code of Criminal Procedure.

I have perused the case diary and assessed the materials therein, further I have taken into account the age of the victim being nine years and on an overall consideration of all the facts and circumstances of the case, I am of the view 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, the petitioner will be at liberty to renew his prayer for bail after the evidence of the victim has been recorded by the learned trial court under Section 35 of the POCSO Act.

CRM 5309 of 2021 is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)