

CRM 5322 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhadreswar Police Station** Case No. **26 of 2021** dated **16.01.2021** under Section **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Md. Shahzad

.... Petitioner.

Mr. S. Chatterjee,

... For the Petitioner.

Mr. S. G. Mukherjee, Ld. PP,
Mr. Z. N. Khan,
Mr. T. Mitra,

... For the State.

Mr. M. Gomes,

... for the defacto complainant.

The petitioner has been charged with commission of offence punishable under Section 376AB of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

The petitioner says that he has been falsely implicated. He has not indulged in the act complained of. He relies on the medical report and the statement of the victim girl.

We have seen the material in the case diary. The victim girl was five years old at the time of the incident. It is true that she has not named this petitioner. However, she has stated that certain bad things were done to her. In the statement of the victim's mother recorded under Section 164 of the Code of Criminal Procedure, the petitioner's name is clearly mentioned as the person who allegedly violated the victim girl. Considering the age of the

victim girl it is quite possible that she may not have remembered the name of the actual offender or she did not know his name.

Given the nature and gravity of the alleged offence and the possible extent of complicity of the petitioner therein, we are not inclined to entertain the petitioner's prayer for bail.

However, we see that the petitioner has been in custody for about 257 days. Charge has been framed. October 4, 2021 has been fixed as the date for recording of evidence. Keeping in mind the lengthy detention of the petitioner, we request the learned Trial Court to expedite the trial to the extent possible and bring the same to its logical conclusion as soon as the business of the court may permit.

Needless to say that none of the observations made in this order shall have any bearing on the trial. Such observations were made only for the purpose of disposing of this application.

Accordingly, the application for bail being CRM 5322 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)