

09.12.2021
saswata
ct 28
sl no. 54

C.R.M. 5415 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Harwood Point Coastal P.S. case no. 140/2020 dated 09.06.2019 under sections 364/34 of the Indian Penal Code corresponding Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Biswajit Das

..... petitioner

Mr. Partha Sarathi Mondal
Mrs. Mouparna Nag Mondal

..... for the petitioner

Mr. Saibal Bapuli, APP
Mr. Arani Bhattacharyya

..... for the State

The petitioner renews his prayer for bail. He submits that charge has not been framed till date.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Prayer for bail of the petitioner was rejected by a Coordinate Bench of this Court in CRM 6237 of 2020, wherein, the Bench observed that the bail prayer of the petitioner cannot be favourably considered till deposition of the victim girl.

In view of the aforesaid fact, we are not inclined to entertain the bail application of the petitioner at present.

The prayer for bail is, thus, rejected.

However, we request the Trial Court to consider the issue of framing of charge and upon framing of charge, examine the victim girl at the earliest, preferably within three months from the next date fixed before the Trial Court without granting unnecessary adjournments to either of the parties.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)

