

02.11.2021
Item no. 10
Ct. 8
AB /PG

C.R.M. 6847 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Women P.S. Case No. 57 of 2019 dated 22.04.2021 under Section 6 of the POCSO Act (POCSO Case No. 16 of 2019).

And

In the Matter of : Jiban Barman.....petitioner

Mr. Suman De

Mr. Kazi M. Rahaman.....for the petitioner

Mr. Prasun Kr. Dutta, Ld. A.P.P.

Mr. Santanu Deb Royfor the State

The charges against the petitioner are under section 6 of the POCSO Act.

The application for bail for second time is filed by the petitioner on the ground that the de facto complainant has deposed before the Court that the proceedings are mala fide and have been instituted as a result of a family dispute.

This Court has carefully considered the medical report as well as the evidence on record. The trial has commenced. Merely because a witness has not been declared hostile even if it is a de facto complainant, the same cannot be a ground to assail the entire trial and prosecution itself. This Court has carefully seen the medical report and the other evidence produced by the State.

For the reasons stated above, this Court is of the view that the application for bail cannot be entertained at this stage and the same is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all necessary legal formalities.

(Rajasekhar Mantha, J.)

(Kesang Doma Bhutia, J.)