

09.11.2021
saswata/pk
ct 28
sl no. 34

C.R.M. 7103 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 26.10.2021 in connection with Tehatta P.S. case no. 114 of 2018 dated 14.03.2018 under section 376 of the IPC and Section 6 of the POCSO Act,

And

In Re : Buddhadeb Pal @ Budu

..... petitioner

Mr. Sourav Mukherjee

..... for the petitioner

Mr. Debabrata Chatterjee

Ms. Manashi Roy

..... for the State

Petitioner renews his prayer for bail. He is in custody for about 3 year and 7 months and there is little progress in the trial of the case.

Learned lawyer for the State opposes the prayer for bail and submits that prayer for bail of the petitioner was rejected earlier.

We have considered the materials including the statement of the victim girl, recorded under Section 164 of the Cr.P.C., prima facie disclosing involvement of the petitioner in subjecting the victim girl aged about 7 years to penetrative sexual assault.

In view of the aforesaid fact and the gravity of offence, we are not inclined to grant bail to the petitioner.

However, we note with concern that the minor victim girl has not been examined as yet.

We request the trial Court to take immediate steps for the examination of the minor victim girl and conclude the same at an early date preferably within 6 months from the next date fixed for

evidence, keeping in mind the statutory mandate under 35(2) of the POCSO Act.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)