

10.06.2021

Sl. No. 03
CHC/
Mithun
Ct.No.19.

CRM/9766/2016

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure Code, 1973.

And

In the matter of:

Bhuban Chandra Das.

...petitioner

Mr. Prasun Kumar Datta,
Mr. Santanu Deb Roy

...for the State

The accused has prayed for bail in connection with Dhupguri Police Station Case No.266 of 2016 under Section 10 of the Protection of Children from Sexual Offences Act (POCSO).

None appears on behalf of the petitioner.

Learned A.P.Ps Mr. Prasun Kumar Datta and Mr. Santanu Deb Roy are present in Court and they are requested to assist this Court to which they have agreed.

The prayer for bail was refused by the learned Judge, Special Court, under POCSO Act on 28th September, 2016 as stated in the petition.

It appears from the order dated 28th September, 2016 that the application for bail was rejected by the learned Judge,

Special Court, under POCSO Act, Jalpaiguri being not pressed and learned Judge was also pleased to call for C.D..

Under such circumstances, the instant application become premature as the application under Section 439 of the Cr.P.C. was not rejected by the learned Judge, Special Court, under POCSO Act, Jalpaiguri on merit on perusal of the C.D. Therefore, the instant application is dismissed.

The petitioner is at liberty to pray before the appropriate forum by filing application for bail if in the meantime he is not released on bail.

(Bibek Chaudhuri, J.)