

16-04-2021
Subha
Item no.15
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 10011 of 2020

Debasish Ankur @ Choton

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Special (P) Case No. 27/2020 arising out of Suri P.S. Case No.181 of 2020 dated 05.07.2020 under Sections 493/306/376(2)(n) of the Indian Penal Code read with Sections 4/6/8/12 of the Protection of Children from Sexual Offences Act.

Mr. Sanjib Kumar Dan
Mr. Saryati Dutta

...for the petitioner.

Mr. P. K. Datta, APP
Mr. Santanu Deb Roy

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Special (P) Case No. 27/2020 arising out of Suri P.S. Case No.181 of 2020 dated 05.07.2020 under Sections 493/306/376(2)(n) of the Indian Penal Code read with Sections 4/6/8/12 of the Protection of Children from Sexual Offences Act.

Mr. Dan, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 284 days and unnecessarily the provisions of the POCSO Act has been incorporated. Learned advocate for the petitioner challenges the date of birth of the deceased/victim.

Learned advocate for the State produces the case diary.

We have perused the statement of the witnesses as also the birth certificate so produced. Prima facie, we are of the opinion that incriminating materials are appearing against the present petitioner which do not warrant him to be released on bail at this stage.

Accordingly, prayer for bail of the petitioner is rejected.

Learned special court is directed to expedite the progress of the case by taking the trial to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the application for bail being CRM 10011 of 2020 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]