

08.02.2021
Court No.28
rpan /09
(Via Video Conference)

C.R.M. 10786 of 2020

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection Raiganj Women P.S. Case No.71 of 2020 dated 27.05.2020 under Sections 363/365 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Jahangir Ansari**
...Petitioner.

Mr. Sudip Guha,
Mr. Sujoy Sarkar
....for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Md. Anwar Hossain,
Ms. Sreyashee Biswas
....for the State

The learned advocate for the petitioner submits that the petitioner is in custody for 218 days and as the investigation has been complete, charge-sheet has already been filed.

The learned advocate appearing for the State opposes the prayer for bail and disputes the relationship which, according to the learned advocate for the petitioner, was submitted. The learned advocate further submits that the proceedings are delayed for reasons beyond the control of the prosecution.

We have taken into account the allegations made in the FIR and the charge-sheet and the witnesses who have deposed in support of the prosecution case and on an appreciation of the materials on record, we are of the opinion that this is not a fit case for releasing the petitioner on bail at this stage. As such, the prayer for bail of the petitioner is rejected.

However, the petitioner may renew his prayer for bail after the evidence of the victim is over.

The learned Special Court / trial court is directed to comply with the provisions of Section 35(1) of the POCSO Act.

With the aforesaid observations, CRM No.10786 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)