

17.08.2021
Item no. 04 (J.C.)
Court No.32.
S.De.
(rejected)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 819 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.08.2021 in connection with Kumargram Police Station Case No. 25 of 2017 dated 31.01.2017 under Sections 4/6 of the Protection of Children from Sexual Offences Act, (POCSO), 2012.

And

In the matter of : Sapath Das.

.....Petitioner.

Mr. Arijit Ghosh, Advocate,

.....for the Petitioner.

Mr. Biswarup Roy, Advocate,

Mr. Aditi Shankar Chakraborty, Advocate,

.....for the State.

The petitioner has been charged with offences punishable under Sections 4/6 of the Protection of Children from Sexual Offences Act, (POCSO), 2012. The petitioner says that he was granted bail by the learned Court below. However, he could not comply with the conditions of bail because of the pandemic. Warrant of arrest was issued against him and he was arrested on 6th March, 2021.

Learned counsel for the State says that even before the pandemic set in, the petitioner made himself unavailable at the trial. Dates were fixed for examination under Section 313 of the Code of Criminal Procedure but the petitioner was absent. Accordingly, the trial could not proceed. The learned Court below was constrained to issue warrant of arrest and the petitioner was arrested. Learned advocate further tells us that all the witnesses have been examined and the trial is at the final stage.

We are also told that the victim girl has given birth to a child and the D.N.A. Report which is on record suggests that the petitioner is the biological father of that child.

Having considered the gravity and nature of the allegations and that the trial is coming to an end and also keeping in view the past conduct of the petitioner, we are not inclined to entertain this application.

The application for bail is, accordingly, rejected.

C.R.M. 819 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)