

29.11.2021

Item No.24

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 1048 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with New Jalpaiguri P.S. Case No. 329 of 2020 dated 8.4.2020 under Sections 6 of the POCSO Act, 2012.

And

In the matter of : **Osman Ali @ Md Osman Ali**

... Petitioner.

Ms. Jeenia Rudra

... for the petitioner

Mr. A. S. Chakraborty

Mr. Nilay Chakraborty

Mr. Biswarup Roy

... For the State.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than 230 days and there has been no progress in the trial of the case warranting further detention of the present petitioner.

Learned Advocate for the State opposes the prayer for bail and draws the attention of this Court to the earlier orders passed by the Coordinate Benches of this Court in CRM 28 of 2021 and CRM 645 of 2021.

We have perused the materials appearing in the case diary and do not intend to differ with the earlier orders and observations made therein as we have been informed that till date the victim has not been examined.

Accordingly, prayer for bail is **rejected**.

With the aforesaid observations, CRM 1048 of 2021 is dismissed.

However, the petitioner will be at liberty to renew the prayer for bail after the evidence of victim is completed inconsonance with Section 35 of the POCSO Act.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)