

Via video conference

14.03.22

(S.R.)

Sl.18

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nabadwip** Police Station Case No.534 of 2019 dated 14.12.2019 under Sections 363/366/120B of the Indian Penal Code and added Section 6 of POCSO Act;

And

In re: Mintu Ghosh

... Petitioner.

Mr. Kallol Mandal

Mr. Amanul Islam

Mr. Sourav Mukherjee

Mr. Souvik Das

Mr. A. Banerjee

... for the petitioner.

Mr. Bidyut Kumar Roy

Ms. Rita Datta

...for the State.

Mr. Mondal, learned lawyer appearing for the Petitioner submitted that he is renewing his prayer for bail since he is in custody for about 220 days. The victim girl is married now and possibly she will not come and appear to depose in trial. There is no use in keeping the Petitioner in custody further. He further submitted that there is no chance of immediate commencement of trial. Accordingly, he prayed for bail.

Mr. Roy, learned lawyer appearing for the State opposed the petitioner's bail application as the same was rejected on 13th December, 2021 and since then, there is no substantial change in the circumstances warranting reconsideration. Date is fixed for consideration of charge. Therefore, he should not be enlarged on bail, as submitted by Mr. Roy.

We have heard rival submissions. Perused the case diary.

On perusal of the case diary, we do not find any substantial change in the circumstances subsequent to rejection of the petitioner's prayer on 13th December, 2021 and as such, the petitioner's prayer for

bail is refused at this stage.

As Mr. Mondal expressed his anguish that there is no chance of immediate commencement of trial, we direct the Learned Trial Court to consider the charge within a period of one month from the date of communication of this order and to commence trial immediately, if charge is so framed.

Accordingly, the application for bail being CRM(DB) No.274 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)