

08.02.2022

Sl. No. 01

Srimanta

Ct.No.42

CRM(SB)/20/2022

(Via Video Conference)

In re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Sundarban Coastal Police Station Case No. 52 of 2021** dated **18.03.2021** under Section **354B** of the Indian Penal Code and Section **10** of the Protection of Children from Sexual Offences Act.

In the matter of : **Biswajit Mondal**

...petitioner.

Mr. S. M. Obaidullah, Adv.,
Mr. Roni Chowdhury, Adv.

...for the petitioner.

Mr. Debabrata Chatterjee, Adv.,
Ms. Mousumi Sarkar, Adv.,
Ms. Manisha Sharma, Adv.

...for the State.

The accused/petitioner has come up with the instant application praying for bail. Special Case No. 51/2021 arising out of Sundarban Coastal Police Station Case No. 52/2021 dated 18th March, 2021 was registered under Section 354B of the Indian Penal Code read with Section 10 of the POCSO Act against the accused.

I have heard the Learned Advocate for the petitioner and the Learned Public Prosecutor-in-Charge. On perusal of the case diary, especially statement of the victim recorded under Section 164 of the Code of Criminal Procedure, it is found that the minor girl made allegation against her father for aggravated sexual assault.

It is submitted by the Learned Advocate for the petitioner that the father and mother of the victim girl are separated. The father stays in another house with his son and the mother resides in a separate house with their daughter. On the date of occurrence when the daughter was sleeping at night, the father came to the house and committed such offence.

Considering the gravity and heinous nature of the offence, I am not inclined to release the accused on bail. Prayer for bail is, thus, **rejected**.

Since charge-sheet has been submitted in this case, Learned Special Judge, Alipore is directed to take up the trial of the case at the earliest and take all endeavour to complete the trial within six months from the date of communication of this order.

Let a copy of this order be sent to the Learned Special Judge at Alipore for information and compliance.

(Bibek Chaudhuri, J.)