

**10.05.2022**

Sl. No.06.  
Mithun  
Ct.No.42.

**CRM (SB)/85/2022**

**(Via Video Conference)**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl. T.R.Case No.52 of 2021 arising Sankrail P.S. Case No.453 of 2021 dated 20.04.2021 under Section 354-B IPC read with Section 10 POCSO Act, 2012.

In the matter of : **Shambhu Charan Das.**

...petitioner.

Mr. Anil Kr. Chattopadhyay, Adv.

...for the petitioner.

Mr. S.S.Imam, Adv,  
Mr. S.Kundu, Adv.

...for the State.

This is a prayer for renewal of bail for the third time. It is submitted by the learned Advocate for the petitioner that the petitioner is in custody for 380 days. He works as a Ward boy in N.H. Narayana Superspecialty Hospital at Howrah. He has three minor children. There is nobody to look after them except the petitioner. On such humanitarian ground he may be released on bail. Prayer for bail was lastly rejected on 27<sup>th</sup> January, 2022. On the date of rejection of the application for bail, the petitioner was in custody for about 287 days. All the contentions raised by the petitioner before this Court today were considered. The Court previously considered right of a

person of having bail and the gravity of offence conducted by him.

The petitioner being the ward boy, obtained trust and general patience and taking advantage of that trust, he committed the offence of sexual abuse upon a minor girl. The learned Advocate for the petitioner has stated that the said patient/victim was suffering from psychological problem. However, on perusal of her statement recorded under Section 164 of the Cr.P.C., I do not find any scent of such allegation. Considering the gravity the case I am not inclined to release the petitioner on bail. Prayer for bail is, thus, **rejected**.

The Trial Court is directed to proceed with the trial expeditiously and make all endeavour to conclude the trial within 3 months from the date of this order.

The parties are at liberty to act on the server copy of the order.

( **Bibek Chaudhuri, J.**  )