

29.07. 2022
item No.05
n.b.
ct. no. 34

CRM(SB) 163 of 2022

**Manik Jana
Vs.
State of West Bengal & Anr.**

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
.....for the Petitioner

Mr. Joydeep Roy,
Mr. A. Dewan,
Mr. Goutam Banerjee
.....for the State

Report of the Superintendent of Police, Sunderban Police District and also report of the Officer-in-Charge Cyber Crime Police Station, Chandannagar PC be kept with the record.

Supplementary charge sheet has already been submitted before the jurisdictional Court and it has been informed that on 29.7.2022 date has been fixed for consideration of charges.

Ms. Biswas, learned advocate appearing for the petitioner contends that the petitioner is in custody for 129 days and no offence under Section 10 of the POCSO Act has been made out.

I have perused the statement under Section 164 of the Code of Criminal Procedure of the victim girl, I am of the opinion that the evidence of the victim must surface in the Court prior to the petitioner's bail being considered.

Accordingly, the Learned Trial Court is directed to comply with Section 35 of the POCSO Act and take steps by September 15, 2022 so that the evidence of the victim is over. At this stage, the prayer for bail of the petitioner is rejected.

Needless to state, that any observations made by this Court is for the limited purpose of consideration of the bail application and the Learned Trial Court will not be influenced by any such observation being made.

Accordingly, CRM(SB) 163 of 2022 is disposed of.

The Investigating Officer of the case is present in Court. His further appearance before this Court is dispensed with.

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

(Tirthankar Ghosh, J.)