

29.07.2022
Sl. No.16
akd
[Rejected]

C. R. M. (DB) 2510 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.07.2022 in connection with Habibpur Police Station Case No. 260 of 2021 dated 27.08.2021 under Section 6 of the POCSO Act.

And

In Re: ***Sunil Kisku***

... .. Petitioner

Mr. Pawan Kumar Gupta
Mr. Arnab Saha

... .. for the petitioner

Mr. Joydeep Roy
Mrs. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 336 days. It is further submitted petitioner has been falsely implicated in the instant case. There is delay in trial as the witnesses are not attending court.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Victim has implicated the petitioner in the crime. Date has been fixed for examination of the victim on 01.08.2022. In view of the aforesaid circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

However, we direct the trial court to take necessary steps for examination of the victim on the date fixed and if it is unable to do so, within one month thereof without granting unnecessary adjournments to either of the parties.

Department is directed to sent a copy of this order to the trial court for necessary compliance.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)