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August 17,
2022
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C.R.M. (SB) 196 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Hanskhali Police Station Case No.424 of 2022 dated 5.5.2022 under Section 4 of the Protection of Children from Sexual Offences Act;

Krishna Sarkar
Versus
State of West Bengal

Ms. Minoti Gomes.
...for the petitioner.

Mr. Tanmay Kumar Ghosh,
Ms. Sonali Bhar.
...for the State.

Ms. Minoti Gomes, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 103 days and charge-sheet has already been submitted, as such, further detention of the petitioner is unwarranted.

Mr. Tanmay Kumar Ghosh, learned advocate appearing for the State submits that charge-sheet has been submitted on 31st July, 2022 and thereafter date was fixed on 11th August, 2022 and the next date has been fixed on 25th August, 2022.

There are some contentions advanced by Ms. Gomes, learned advocate appearing for the petitioner in respect of changed circumstances which this Court cannot take on record or express its views at this stage when charge-sheet has already been submitted and the trial is about to commence.

Having regard to the period of detention of the present petitioner, I direct that on 25th August, 2022 all efforts must be

taken by the prosecution as also the court to supply the copies under Section 207 of the Code of Criminal Procedure to the accused/petitioner. Let a date be fixed by the learned trial court by 1st September, 2022 for consideration of charges. I also direct the learned trial court to commence examination of the witnesses on and from 5th September, 2022. The learned trial court is directed to adhere to the provisions of Section 35 of the POCSO Act and conclude the evidence of the victim girl as early as possible. The petitioner would be at liberty to renew the prayer for bail after the evidence of the victim girl is over.

For the time being, the application for bail being CRM (SB) 196 of 2022 is dismissed.

The learned trial court is directed to act on a server copy of this order duly downloaded from the official website of the High Court, Calcutta.

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

(Tirthankar Ghosh, J.)