

29.09.2022
S/L No.10
KS

CRM (SB) 239 of 2022
Atul Sarkar
-Vs.-
The State of West Bengal

Mr. Sagar Saha
Mr. Subir Debnath
Ms. Roma Roy

..... For the Petitioner

Mr. Shiladitya Banerjee

.....For the State

Mr. Saha, learned advocate appearing for the petitioner submits that the petitioner happens to be the elder foster brother and he has been falsely implicated in the instant case and pursuant to the arrest he is in custody for about 40 days. Learned advocate further submits that the Investigating Authority on completion of investigation has submitted charge-sheet and, as such, further detention of the petitioner is unwarranted.

Mr. Siladitya Banerjee, learned advocate appears for the State and produces the Case Diary, drawing the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal Procedure.

I have perused the evidence collected by the Investigating Agency and I am of the opinion, at this stage this is not a fit case for releasing the petitioner on bail prior to the evidence of the victim being recorded by the learned Trial Court.

Thus, the prayer for bail of the petitioner is rejected.

However, the learned Trial Court would take into account Section 35 of the POCSO Act and take steps so that charges are framed by 7th November, 2022 and the evidence of the victim be completed within 10 days thereafter. The petitioner is granted liberty to pray for bail after the evidence of the victim is over.

Accordingly, CRM (SB) 239 of 2022 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)