

C.R.M.(SB) 248 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11/10/2022** in connection with **Dholahat P. S. Case No. 116/22** dated **22/03/2022** under Section **10 of the Protection of Children from Sexual Offences Act, 2012**.

And

In the matter of: - **Manik Jana**

....petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekher Saha,

...for the petitioner.

Mr. Purnima Ghosh,

...for the State.

Heard learned counsel for the parties.

It is submitted on behalf of the petitioner that despite specific direction of this Court for completion of examination of the victim girl by September 15, 2022, charge was framed against the accused/petitioner by the Trial Court on September 2, 2022. The victim girl did not turn up for adducing evidence on September 20 2022. The next date for evidence has been fixed on November 28, 2022. Learned advocate further submits that though charge-sheet was submitted under Section 10 of the Protection of Children from Sexual Offences Act, 2012, charge was framed under Section 8 of the said Act.

It is submitted on behalf of the prosecution that the victim girl failed to turn up only on one occasion and shall appear for adducing evidence on the adjourned date.

In view of the above, this Court is inclined to hold that the evidence of the victim girl ought to be recorded before the prayer for bail of the petitioner is considered.

The learned Trial Court is requested to conclude the evidence of the victim girl within one week from the next date of evidence fixed before the Court.

The prayer for bail is rejected at this stage.

In the event examination of the victim girl is not concluded by the stipulated time, the petitioner shall be at liberty to apply for bail before this Court further.

Accordingly, CRM 248 of 2022 is disposed of.

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

(Suvra Ghosh, J.)