

18-11-2022
Subha
Item no.05
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 274 of 2022

Alexius Hembram @ Alexis
-vs-
The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 10th November, 2022 in connection with POCSO Case No. 124 of 2022 arising out of Habibpur Police Station Case No. 242 of 2022 dated 25.07.2022 under Section 10 of the POCSO Act, 2012.

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

...for the petitioner.

Mr. P K Datta, Id APP
Mr. Santanu Deb Roy

... for the State.

Mr. Dutta Gupta, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 117 days and having regard to the nature of allegations, further detention of the petitioner is unwarranted.

Learned advocate for the petitioner further submits that the petitioner and the family members of the de facto complainant had issues relating to properties and for the said reason, he has been falsely implicated in connection with the instant case.

Mr. Datta, learned Additional Public Prosecutor appearing for the State on the other hand produces the case diary and draws the attention of the court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the statement of the mother of the victim girl.

I have perused the case diary and considered the nature of the allegations. Having regard to the same, I am not inclined to release the petitioner on bail prior to the deposition of the victim being recorded by the learned special court.

As such, the prayer for bail of the present petitioner is rejected.

However, learned special court is directed to complete the process of framing of charge by 15th December, 2022 and all endeavour must be made to complete the deposition of the victim girl by 15th January, 2023

The petitioner would be at liberty to approach this court or the learned special court with the prayer for bail.

With the aforesaid observations, the application for bail being CRM (SB) 274 of 2022 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

