

D/L2
16.12.2022
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C.R.M. (SB) 284 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Dholahat Police Station Case No.386 of 2022 dated 15.08.2022 under Section 8 of the Protection of Children from Sexual Offences Act;

Raich Uddin Mir @ Raich Mir @ Batul
Versus
The State of West Bengal and another

Mr. Gobinda Chandra Baidya,
Mr. Gobinda Baidya.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy.
...for the State.

Report so submitted by Ms. Roy, learned advocate appearing for the State, be kept with record. Pursuant to the report service being effected, the de facto complainant is present in Court today.

Learned advocate appearing for the petitioner submits that the petitioner is aged about 63 years and he is in custody for more than 93 days. Charge-sheet has already been submitted. As such, he may be released on bail.

Ms. Roy, learned advocate appearing for the State produces the case diary and submits that the accused is thickly connected with the case.

I have considered the stage of the case and the charge-sheet which has been submitted by the Investigating Agency wherein the victim girl is shown as charge-sheet witness no.2.

In view of the period of detention of the present petitioner, I direct the learned Judge, POCSO court to overcome the stage of framing of charges by first week of January, 2023 and thereafter comply with the provisions of Section 35 of the POCSO Act for examination of the victim which must be over within a month thereafter. The petitioner would be at liberty to apply for bail after the evidence of the victim girl is over.

Accordingly, CRM (SB) 284 of 2022 is rejected.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)