

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

25.07.2022
cm/ct 28

C.R.M. (DB) 256 of 2022

sl. no. 6

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Kotwali P.S Case No. 1231 of 2021** dated **17.12.2021** under Section **363/365** of the Indian Penal Code and subsequently added section 4 of the protection of Children from Sexual Offences Act.

Rejected

And

In Re : Satya Gopal Shil Sharma.

..... petitioner

Mr. Sudip Guha

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Abhijit Sarkar

..... for the State

Petitioner is in custody for 195 days. He submits that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner has been implicated in the statement of the minor victim.

We have considered the materials on record. Minor victim has implicated the petitioner in the alleged offence of penetrative sexual assault.

In view of the aforesaid incriminating materials on record and gravity of the offence, we are not inclined to grant bail to him.

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

We are informed charge has been framed. Keeping in mind the statutory mandate under Section 35(2) of the POCSO Act, we direct the trial court to examine the minor victim at the earliest

and, therefore, trial court is directed to conduct the trial as expeditiously as possible without granting unnecessary adjournment to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)