

D/L397
02.08.2023
Bpg.

C.R.R. 120 of 2023
With
CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Md. Asif @ Ayan
Versus
State of West Bengal and another

Mr. Satadru Lahiri
Mr. M. Shehabuddin.

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.

Mr. Arijit Ganguly

Mr. Sanjib Kr. Dan.

...for the State.

Md. Zeeshan Uddin

Ms. Amrin Khatoon.

...for the opposite party no.2.

A report was called for and the same has been submitted by the State through the Officer-in-Charge of Jorasanko Police Station and the report speaks that the petitioner appeared before the police authorities and was available at the address as also the petitioner as well as the victim in this case are leading a family having a girl child.

In view of the changed circumstances and the facts remain that there were observations while granting bail in respect of the statements under Section 164 of the Code of Criminal Procedure reflecting in the order dated 17.11.2020 passed by the learned Additional District and Sessions Judge, Bench-II, Calcutta in connection with Special (POCSO) Case No.18 of 2020, I am of the view that the order dated 24th February, 2022 be kept in abeyance

till disposal of the trial.

Petitioner is directed to appear before the learned trial court on or before 18th August, 2023. On such appearance of the petitioner before the learned trial court, the orders relating to warrant proclamation and attachment be recalled. Learned trial court would make specific directions for physical appearance of the present petitioner on the dates which the learned trial court deems fit and proper for physical appearance of the accused. The petitioner would at a subsequent stage of the proceedings advance his prayer so far as the merits of the case is concerned. Other prayers are not entertained at this stage.

With the aforesaid observations, CRR 120 of 2023 is disposed of.

Report submitted before this Court by the Investigating Officer of Jorasanko Police Station be also placed before the learned trial court by the State on the next date so fixed.

The Investigating Officer of the case is immediately directed to place this report before the learned trial court.

Pending application, if any, is consequently disposed of.

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.)

