

16.02.2023.
48.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 636 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia P.S. Case No.04 of 2022 dated 04.01.2022 under Sections 376AB/34 of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376(2) (f) (n) of the Indian Penal Code and Section 6 of the POCSO Act and adding Section 17 of the POCSO Act.

In the matter of : Hobibur Khan @ Hobi Khan.

... Petitioner.

Mr. Anindya Ghosh,
Mr. Pronojit Roy,
Mr. Anindya Chowdhury.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Arup Sarkar.

...for the State.

Petitioner is in custody for 402 days. He submits there is delay in trial. He renews his prayer for bail.

Affidavit of service filed in Court today be kept on record.
Nobody appears for the victim.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is the principal accused. His bail prayer was rejected earlier on merits. Delay is due to abscondence of co-accused.

In view of the aforesaid circumstances and as the vulnerable witness and her mother are yet to be examined, we are not inclined to grant bail to the petitioner.

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

We direct the trial court to take necessary steps for ensuring appearance of absconding accused and if such exercise fails to declare the accused as a proclaimed offender and proceed to the next stage of trial in accordance with law.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)