

28.03.2023
Sl. No.82
akd
[Rejected]

C. R. M. (DB) 1190 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.02.2023 in connection with Bolpur Police Station Case No.50 of 2022 dated 05.03.2022 under Sections 363/365 of the Indian Penal Code and Sections 4/8/12 of the POCSO Act. (G.R. Case No.196 of 2022)

And

In Re: ***Kesmot @ Kesmat Sk.***

... .. Petitioner

Mr. Malay Bhattacharyya

... .. for the petitioner

Mr. Binay Kumar Panda
Mr. Subham Kanti Bhakat

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 351 days. It is further submitted petitioner has been falsely implicated. There is delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the minor implicates the petitioner in the offence of penetrative sexual assault. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed, to take the proceeding to its logical conclusion keeping in mind the mandate under Section 35(2) of the POCSO Act.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

