

04.04.2023
Sl. No.26
akd
[Rejected]

C. R. M. (DB) 1335 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.03.2023 in connection with Dhantala Police Station Case No.537 of 2022 dated 28.07.2022 under Sections 363/365/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Anup Halder @ Sanjoy Halder**

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that there was a love affair between the parties.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Victim is yet to be examined. Hence, 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 examine the victim at the earliest and conclude the trial keeping in mind the mandate of 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.)

