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19.04.2023
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C.R.M. (SB) 73 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Gangnapur Police Station Case No.592 of 2022 dated December 23, 2022 under Section 8 of Protection of Children from Sexual Offences Act, 2012;

Pintu Biswas
Versus
The State of West Bengal and another

Mr. Dipanjan Chatterjee,
Ms. Sananda Bhattacharyya,
Ms. Richa Pramanick.
...for the petitioner.

Md. Anwar Hossain,
Mr. A.E. Molla.
...for the State.

Mr. Navanil De.
...for the opposite party no.2.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is innocent of the charges and has been falsely implicated in the instant case. Learned advocate submits that although the factual narration of the incident relates to two or three persons but only the petitioner has been implicated in connection with the instant case. The statement of the victim under Section 161 of the Code of Criminal Procedure and under Section 164 of the Code of Criminal Procedure are completely different. Further, there has been embellishment in the factual narration both by the victim as well as the witness. It has also been pointed out that there is a property dispute between the family of

the victim and that of the accused and the same is the reason for false implication of the present petitioner.

Mr. Anwar Hossain, learned advocate, appears on behalf of the State and opposes the prayer for bail in view of the stage of the case.

Charge-sheet has already been submitted before the jurisdictional court and it has been informed that the next date has been fixed in the month of June 2023.

Having considered that the petitioner is in custody for about 117 days, I direct that the date for consideration of charges be preponed to 27th April, 2023. Learned trial court if it feels that the charges are to be framed then immediately after framing of the charges would fix date of CSW 1 to 3 continuously till their evidence is over. Such evidence preferably with the cooperation of the defence be over by 15th May, 2023. Petitioner would be at liberty to approach this Court immediately after the evidence of the victim girl is over. For the present, no interference is made.

Accordingly, CRM (SB) 73 of 2023 is dismissed at this stage.

The trial of this case would progress in spite of any resolution of the local bar.

Learned advocate for the petitioner as well as the State will at the earliest communicate this order to the learned special court.

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.)