

21.08.2023.
09.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2049 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Bhagwangola P.S. Case No.625 of 2019 dated 28.10.2019 under Sections 341/354/506/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

In the matter of : Juel Sk @ Jakir Hossain.
... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey,
Ms. Monami Mukherjee.
...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.
...for the State.

1. Petitioner submits due to miscommunication and Covid conditions prevailing in 2020, he was unable to appear before the trial court. He renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had absconded for four years.
3. We have considered the materials on record. Petitioner was granted pre-arrest bail in 2019. One of the condition of the pre-arrest bail was to appear before the trial court and pray for regular bail within four weeks. Initially, he surrendered before the trial court but thereafter absconded. He remained absconding till April, 2023.

4. Under such circumstances, trial court rejected his bail prayer and took him into custody. Offences relates to sexual assault on minor. Minor has not yet been examined. Conduct of the petitioner has contributed to the delay and dilation of the proceeding.

5. Accordingly, we are not inclined to grant bail to the petitioner.

6. Hence, the prayer for bail of the petitioner is rejected.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)