

D/L2
09.06.2023
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C.R.M. (SB) 106 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kalitala Ashuti Police Station Case No.21 of 2023 dated 31.01.2023 under Section 354A of the Indian Penal Code read with Section 10 of the Protection of Children from Sexual Offences Act;

Sk. Habibur @ Sk. Habibur Rahaman
Versus
The State of West Bengal

Mr. Mritunjoy Chatterjee,
Mr. Tushar Hazra.
...for the petitioner.

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas.
...for the State.

The present application for bail has been preferred on behalf of the petitioner who is in custody for about 130 days. Learned advocate appearing for the petitioner submits that the present case was instituted as the counter-blast to the case which was earlier instituted at the instance of the wife of the present accused/petitioner. The investigation of the case, according to the petitioner, has already been completed and charge-sheet has been submitted before the jurisdictional court.

Learned advocate appearing for the State has produced the case diary and drawn the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal Procedure.

I have considered such submission and on an

assessment of the same, I am of the view that the petitioner's bail should be considered after the evidence of the victim is over. In the charge-sheet, I find that the victim has been cited as CSW 2.

It has been informed that copies under Section 207 of the Code of Criminal Procedure are yet to be supplied to the accused/petitioner.

Learned Special Court is directed to immediately take steps so that within a fortnight copies are served upon the accused/petitioner. Charge be framed within a week thereafter. Dates for evidence for CSW 1 and CSW 2 and all efforts be taken to complete their evidence by 31st July, 2023. Petitioner would be at liberty to approach for bail thereafter. At this stage the prayer for bail is rejected.

Accordingly, CRM (SB) 106 of 2023 is disposed of.

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.)