

13.06.2023
Sl. 50
Court No.29
Suvayan
(Rejected)

C.R.M. (DB) 2240 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO case No. 55 of 2019 arising out of **Belgharia** P. S. Case No. **339 of 2019** dated **26.05.2019** under Sections **6** of the POCSO Act, 2012 which culminated in charge-sheet vide charge-sheet No. **351 of 2019** dated **26.07.2019** under Sections **341/323** of the IPC, 1860 read with Section **6** of the POCSO Act, 2012.

And

In the matter of: **Amar Prasad**

....petitioner

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

Mr. Niladri Sekhar Ghosh
Ms. Sutanuka Chowdhury
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

...for the de facto complainant.

1. Heard the learned Counsel for both the parties.
2. Affidavit-of-service filed by the learned Counsel for the petitioner be taken on record.
3. The bail is moved on behalf of the petitioner on the ground that even after 4 years, charges have not yet been framed.
4. Learned Counsel for the State submits that the wife of the petitioner who is a co-accused is still absconding.
5. Learned Counsel for the petitioner, *per contra*, submits that the wife of the petitioner has already been enlarged on bail and she is not absconding.
6. Regard being had to the facts and submissions, factum of permanent residence of the petitioners and the fact that the wife of the petitioner is available to be tried along with the petitioner, learned Trial Court is directed to fix a date for

appearance of the petitioner and his wife. After completion of formality under Section 207 Cr.P.C. the charge be framed with promptitude and the trial be concluded on day to day basis within a period of two months from the date of framing of charge.

7. We feel persuaded to pass such an order because number of witnesses to be examined is only nine. The petitioner is at liberty to renew his prayer for bail before the learned Sessions Judge after framing of charge against him and his wife.
8. Accordingly, the prayer for bail of the petitioner is rejected.
6. CRM (DB) 2240 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)