

19.07.2023.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2856 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harirampur P. S. Case No.297 of 2021 dated 30.12.2021 under Section 4 of the POCSO Act and adding Sections 66(D)/67/67B of the I. T. Act.

In the matter of : Jakir Hossain.

... Petitioner.

Ms. Roma Roy.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.

...for the State.

Ms. Binda Paul.

...for the Victim girl.

Heard the learned Advocates for the parties.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Delay is due to vacancy in the trial court and cannot be attributed to the petitioner. Allegations involve rape of a minor. She had been blackmailed by uploading her obscene picture in the social media site.

In view of the gravity of offence and as delay cannot be attributed to the State, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, keeping in mind the protracted period of detention suffered by the petitioner, we request the trial court

to consider the issue of framing of charge on the date fixed i.e. 30th September, 2023 and if it is unable to do so, positively within one month thereafter and if the charge being framed to take the proceeding to its logical conclusion bearing in mind the statutory mandate under Section 35(2) of the POCSO Act.

Parties shall communicate the order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)