

15.09.2023

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rejected

C.R.M.(DB) No. 3530 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matia Police Station Case No. 225 of 2022 dated 13.06.2022 under Sections 376/354/506/34 of the Indian Penal Code and Sections 4/8 of the POCSO Act.

And

In Re : Kumaresh Bose @ Ganesh petitioner

Mr. Surojit Basu
Mr. Manoj Kurmi

....for the petitioner

Mr. S. Kundu

..... for the State

Mr. Satadru Lahri
Mr. Safdar Azam

..... for the viktim

1. Report filed in Court be kept on record. We are surprised that the indifferent and callous manner in which the State is represented. Annexure to the petition shows the minor victim has been examined. But the learned Counsel for the State insisted that the victim has not been examined as yet. He relied on a report of the Public Prosecutor. We have gone through the report of the Public Prosecutor. Report clearly states that the victim had already been examined and date has been fixed on 16.09.2023 for hearing. We disapprove the poor representation of the case by the learned Counsel appearing for the State and warn him to be more careful in future.

2. We have examined the evidence of the victim. She states that she was subjected to penetrative sexual assault by the petitioner. Submission of the petitioner is that she had been tutored by her mother requires to be considered in the light of the special provisions under POCSO Act which permit presence of a parent or a person in confidence near the minor when she deposes. In view of gravity of the offence and the materials on record we are not inclined to grant bail to the petitioner.

3. The application for bail is, thus, rejected.

4. Trial court is directed to conclude the trial as expeditiously as possible preferably within six months from the next date fixed of recording evidence without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)