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ss 20.09.2023  
Rejected

**CRM (DB) 3556 of 2023**

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bakultala P.S. Case No. 139 of 2022 dated 29.05.2022 under sections 363/365/376(2)(n)/120B of the Indian Penal Code read with section 6 of the POCSO Act.

And

In the matter of : Mosiullah Sekh

Mr. Ujjal Ray

... ... for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

... ... for the State

1. Petitioner submits he is in custody for more than 400 days.  
There is delay in trial. He prays for bail.
2. Learned lawyer for the State submits report. Date has been fixed for framing of charge.
3. We have considered the materials on record. Petitioner had committed penetrative assault on a minor. She has not yet been examined.
4. Under such circumstances, we are not inclined to grant bail to the petitioner.
5. We request the trial Court to consider the framing of charge on the next date fixed and if it is unable to do so positively within 30 days thereof. In the event charge is framed, Court shall first ensure examination of the victim and thereafter conclude the trial preferably within six months from the date fixed for recording evidence without unnecessary delay.
6. Report is kept with the record.
7. This application for bail is, thus, rejected.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**