

09.10.2023
Serial no. 5
[G.S.D]

CRM (SB) 191 of 2023

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Manikchak P.S. Case No. 142 of 2023 dated 08.03.2023 under Section 8 of the POCSO Act.

-And-

In the matter of : Sk Ainul @ Aliun Sk @ Ailun Sk

... .. Petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

Md. Sontu Mia

... .. For the Petitioner

Mr. S. S. Imam

Mr. S. Kundu

... ..*For the State*

Ld. Advocate for the petitioner submits that as the petitioner is in custody for 41 days and charge-sheet has been submitted in connection with the instant case, further detention of the petitioner may not be warranted.

Ld. advocate for the State produced the case diary. The records of the case reflects that the case commenced in the month of March, 2023 and charge-sheet was submitted in the month of May, 2023. The petitioner was absconding throughout the period of investigation and surrendered after the warrant of arrest was issued against him.

Be that as it may, having regard to the conduct of the present petitioner, I am not inclined to release the petitioner on bail, at this stage.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, the Id. trial Court is directed to consider the charges on the next date so fixed.

The petitioner is granted liberty to approach this Court after the evidence of the victim girl, being CSW 6, is over. The Id. trial court is directed to fix the evidence of CSW 6 within a period of 15 days from the date of framing of the charges.

With the aforesaid observations, CRM (SB) 191 of 2023 is dismissed.

Pending application, if any, is also dismissed.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)