

05.6.2023
Court No.01
Item No. 22
ar
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (DB) 240 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 611 of 2022 dated 11.11.2022 under Sections 376AB of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Jakir Hossain @ Hussain**

.... Petitioner

Mr. Kalipada Das

... For the Petitioner

Mr. Saurav Ganguly

... For the Defacto Complainant

Mr. Nilay Chakraborty
Ms. Narmata Das

... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for 205 days and he has been falsely implicated in this case.

Learned counsel for the State and the learned counsel for the defacto complainant have seriously opposed the prayer for bail. Although charge sheet has been filed on 16th December, 2022 the trial court has not framed the charges as yet.

In view of the materials disclosing the involvement of the petitioner in the offence read with the statements of the victim under Section 164 of the Code of Criminal Procedure implicating the petitioner, we are not inclined to grant bail to the petitioner.

We direct the learned Additional Session Judge Court (Special Judge, POCSO Act), at Alipurduar to immediately fix a date for framing of charge and

examination of the victim and the medical officer. It should be completed within eight weeks from the date of communication of this order without granting any adjournment to either of the parties, unless it is avoidable.

The petitioner shall be at liberty to renew the prayer for bail after examination of the victim and the medical officer.

The application for bail of the petitioner is rejected at this stage. CRM 240 of 2023 is accordingly, disposed of.

This order shall be immediately communicated to the learned Additional Session Judge Court (Special Judge, POCSO Act), at Alipurduar for compliance and doing the needful.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)