

JPD-26  
Ct No.01  
22.09.2023  
TN

Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side

CRM (DB) 578 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Samuktala Police Station Case No. 121 of 2022 dated 16.05.2022 under Section 376(AB) of the IPC read with Section 6 of the POCSO Act, 2012 wherein Samuktala Police Station Charge Sheet No. 210 of 2022 dated 05.07.2022 under Sections 376(AB) IPC, 1860 read with Section 6 of the POCSO Act, 2012.

And

In the matter of: Makbul Hussain @ Mokbul Hossain

.... petitioner

Ms. Esha Acharya,  
Mr. Sampad Das

....for the petitioner

Mr. Tapan Bhattacharjee,  
Ms. Sukanya Adhikary

....for the State

1. Petitioner argues that the petitioner is in custody for 1 year and 4 months and the charges have already been framed but the trial has not yet begun. Accordingly, the petitioner seeks bail.
2. Learned counsel for the State opposes the prayer for bail and submits that the victim's statement under Section 164 of the Code of Criminal Procedure as well as the medical report corroborate the allegation against the petitioner.
3. We find from the records that the allegation is serious, since the victim is a minor homeless girl.
4. Keeping in view the gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, CRM (DB) 578 of 2023 is dismissed.
6. The trial be expedited and should be concluded within ten months from the date of communication of this order to the court below.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)