

06.02.2024

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rejected

C.R.M.(DB) No. 367 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 24 of 2023 dated 05.02.2023 under Sections 376(2)(f) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Habibul Sk. petitioner

Mr. Anisur Rahaman

....for the petitioner

Ms. Zareen N. Khan

Ms. Sujata Das

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 11 months. It is also submitted trial has not commenced. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Statement of the minor recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner in the offence of penetrative sexual assault. In view of gravity of the offence we are not inclined to grant bail to the petitioner at this stage.

4. Application for bail is, thus, rejected.

5. Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do

so positively within one month thereof and to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)