

08.03.2024
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rejected

C.R.M.(DB) No. 470 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 276 of 2022 dated 06.06.2022 under Sections 363/365/120B of the Indian Penal Code adding Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In Re : Ajit Ghosh And
 petitioner

Ms. Sutanuka Chowdhury
 for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das
 ... for the State

1. Learned Counsel for the petitioner submits inspite of direction given by this Court in CRM (DB) 3819 of 2023 charge has not been framed. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits delay was due to abscondence of the co-accused.

3. We have considered the materials on record. Allegations involve penetrative sexual assault on a minor. Co-accused are absconding. As a result charge could not be framed. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner.

4. Application for bail is, thus, rejected.

5. Trial Court is directed to take necessary steps to ensure the attendance of the absconding accused and in the event their attendance cannot be procured inspite of exhaustion of all processes to declare them as proclaimed offenders and proceed with the case against the petitioner without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)