

01.04.2024
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rejected

C.R.M.(DB) No. 768 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar Police Station Case No. 266 of 2023 dated 20.06.2023 under Sections 376/511 of the Indian Penal Code read with Sections 8/12 of the POCSO Act.

And

In Re : Anisur Ali @ Aneshur Ali @ Dhama petitioner

Mr. Kaushik Choudhury
....for the petitioner

Mr. Prasun Kumar Dutta
Mr. M. F. Ahmed Begg
..... for the State

Mr. Parvej Anam
..... for defacto complainant

1. Learned Counsel for the petitioner submits he is in custody for 283 days. It is also submitted he has been falsely implicated. Accordingly, he prays for bail.

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

3. Learned Counsel for the de facto complainant submits victim was seven years old at the time of occurrence.

4. We have considered the materials on record. Petitioner is in custody for 283 days. However, allegations are serious and vulnerable witness is yet to be examined. Accordingly, we are not inclined to grant bail to the petitioner.

5. Application for bail is, thus, rejected.

6. Trial court is directed to examine vulnerable witness on the next date fixed and if it is unable to do so positively within 30 days thereof without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)