

12.04.2024.
73.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1103 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Bakultala P.S. Case No.139 of 2022 dated 29.05.2022 under Sections 363/365/376(2)(n)/120B of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376(2)(n)/120B of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Mosiullah Sekh.**

... Petitioner.

Mr. Neil Basu.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Nahid Ahmed.

...for the State.

1. Petitioner contends there is slow progress in trial.

Accordingly, he renews his bail prayer.

2. Learned Advocate for the State contends Presiding Officer was absent. As a result, charge could not be framed.

3. We have considered the materials on record. Statement of the victim implicates the petitioner in the offence of penetrative sexual assault. His bail prayer was rejected earlier on merits. Delay in the matter is due to systemic reasons and vacancy in the trial court.

4. Under such circumstances and in view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)