

21.06.2024
Item no. 5.
Court No.28.
AB
(Rejected)

CRM (DB) 1618 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Asansol Durgapur Police Commissionerate Cyber Crime P. S. Case No.17 of 2023 dated 1.8.2023 under Sections 354C of the Indian Penal Code read with Sections 66C/66E/67/67A/67B of the IT Act and Section 4/6 of the POCSO Act

And

In the matter of : Pradip Kumar Kole @ Pradip Kol

.....Petitioner.

Mr. Apurba Kr. Duttafor the Petitioner.

Mr. Sujoy Sarkarfor the State.

The petitioner says that he is in custody for 250 days. Charge sheet has been filed. There was a love affair between him and the victim girl. He has not circulated the indecent pictures of the victim girl in the social media. He prays for bail as he says that there is no possibility of the trial being concluded at an early date.

Learned Advocate for the State opposes the prayer. It is pointed out, with reference to the material in the case diary that the petitioner circulated indecent pictures of the victim girl in the social media. The mobile phone and other articles have been seized from the petitioner. A co-accused is absconding. Prayer has been made for issuance of proclamation and warrant of arrest against that person.

Given the prima facie incriminating evidence against the petitioner, we are not inclined to enlarge him on bail, at this stage.

The prayer for bail is, accordingly, rejected.

CRM (DB) 1618 of 2024 is dismissed.

However, the trial cannot be deferred indefinitely till the absconding accused person is apprehended. The learned Trial Court shall take necessary steps for splitting up the trial, if necessary, so that the trial against this petitioner can be concluded at an early date.

The parties shall communicate this order to the learned Trial Court.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)