

1. Mr. Sekhar Basu, learned counsel appearing for the petitioner, has prayed for bail in view of the fact that the earlier application for bail was rejected on 17th June, 2022 with the observation that the Trial Court shall take prompt steps to consider the issue of framing of charge at the earliest and to conclude the trial bearing in mind the statutory mandate under Section 35 of the POCSO Act.
2. Mr. Basu has submitted that neither the mother of the victim nor the victim have implicated the petitioner in their statement under Section 161 and 164 Cr.P.C.
3. We called for a report from the State.

4. A report dated 06.9.2024 of the Officer-in-Charge, Women P.S, Howrah City Police with regard to the progress of the trial filed in Court is taken on record.
5. It appears that initially charge-sheet was filed against 11 persons on 17th January, 2022 and the final charge-sheet was framed on 16th January, 2023. Thereafter, till date out of 41 witnesses only 5 witnesses have been examined. The victim girl has been examined on 6th June, 2024. The delay was attributable to the prosecution for not producing the witnesses on the date fixed. This cannot enure the advantage of the petitioner as we have gone through the evidence of the victim, although we are alive to the requirement for speedy disposal of cases under POCSO Act, 2012, we cannot overlook the evidence of the victim and other incriminating materials available on record. We are also of the view that the trial must be concluded as expeditiously as possible.
6. In view of the aforesaid, we are not inclined to enlarge the petitioner on bail having regard to his involvement in the children home and there are clear evidence of sexual abuse of a child, we request the learned Special Judge, POCSO Court, Howrah to conclude the trial as expeditiously as possible, preferably day to day basis. We have also taken our strong displeasure with regard to the conduct of the Special Public Prosecutor in not cooperating with the Court and not ensuring the production of the prosecution witnesses. We make it clear that it should be the duty of the State and the Special Public Prosecutor to ensure that all the prosecution witnesses shall be present on the date to be fixed by the learned Special Judge, POCSO Court, without any fail.

7. In view of the aforesaid observation, the application for bail being CRM (A) 2275 of 2024 stands rejected.
8. The department is directed to retract wherever the name of the victim is appearing in the petition and any record pertaining to the case filed in Court forthwith.
9. The Sarthak authorities shall immediately remove the petition already uploaded and a fresh retracted petition shall be uploaded to be supplied by the petitioner.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)