

29.04.2024
Court No.01
Item No. 25

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (DB) 181 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No. 383 of 2022 dated 11.10.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of POCSO Act, 2012.

And

In Re: **Ashidul Hossain**

Petitioner

Mr. Anirban Banerjee

For the petitioner

Mr. Kallol Acharjee

Mr. Sagnik Sankar Sikdar

Mr. Chattu Roy

For the State

1. Heard the learned counsel appearing for the parties.
2. It is submitted at the Bar that the evidence of the victim has not yet commenced. Such being the position, we are not inclined to exercise our discretion under Section 439 Cr.P.C in favour of the present petitioner. However, liberty is given to the present petitioner to make similar such prayer, if so advised, after the recording of the evidence of the victim girl.
3. We request the learned Special Judge (under POSCSO Act) cum Additional Sessions Judge, Mathabhanga, Cooch Behar, to ensure that the evidence of the victim girl shall be recorded by the last day of June, 2024.
4. Accordingly, the prayer for bail of the petitioner stands rejected.
5. CRM (DB) 181 of 2024 is accordingly, disposed of.

6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)