

13.03.2025
Item no. 11.
Court No.29.
AB
(Rejected)

CRM (DB) 180 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna P.S. Case No. 1151 of 2024 Dated 02.10.2024 under Section 351(2) of the BNS, 2023 read with Section 4/8 of the POCSO Act

And

In the matter of : Alam Mondal

.....Petitioner.

Ms. Minoti Gomes,
Mr. Dhananjoy Banerjee for the Petitioner.

Ms. Sayanti Santra
Ms. Srilekha Chatterjee for the State.

Dictated by Arijit Banerjee, J.

1. Learned State Counsel produces the order of the learned Trial Court dated March 12, 2025. That date was fixed for considering the issue of framing of charge.
2. We find from the order that the accused was produced virtually through video conferencing. Learned Special PP in charge was present, so was learned Advocate for the petitioner. However, we are surprised that the learned Trial Judge did not take up the issue of framing of charge. It was recorded in the order that since the accused was not produced physically, charge could not be framed.
3. We do not see why physical presence of the accused is necessary for framing of charge. The next date fixed by the learned Trial Judge is May 17, 2025.

4. We direct the learned Trial Judge to prepone the date for considering the issue of framing of charge and address that issue by the end of this month positively by preponing the next date fixed. Physical presence of the accused should not be insisted upon by the learned Trial Court. It would be sufficient if the accused is produced through video conferencing and the Advocates for both the sides are present.
5. Coming to this bail application, we have seen the statement of the victim girl, 14 years of age at the time of the alleged incident, recorded under Section 183 B.N.S.S. 2023. She clearly narrates as to how when she was riding a bicycle, the petitioner, a 59 year old man, intercepted her, took her to his house where nobody else was there and then sexually assaulted her.
6. In view of such prima facie incriminating material against the petitioner, we are not inclined to allow his prayer for bail, at this stage.
7. The prayer for bail stands rejected.
8. CRM (DB) 180 of 2025 is dismissed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)

