

14.11.2025
Serial no. 12
[G.S.D]

CRM (M) 1929 of 2025

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with **POCSO 137 of 2023 arising out of Titagarh P.S. Case No. 437 of 2023 dated 10.09.2023 under Sections 376/228A of the IPC and Sections 4/8/12 of the POCSO Act and charge-sheet submitted under section 376/228A of the IPC and Section4/6 of the POCSO ACT.**

-And-

In the matter of : Akash Shaw

... .. Petitioner(s)

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... for the Petitioner(s)

Mr. Bitoshak Banerjee
Mr. Manoranjan Mahata

... for the State-respondent(s)

Ms. S. Dutta

... for the Defacto-complainant

Learned advocate for the petitioner submits that the petitioner is in custody for two years and two months but, there has hardly been any progress in the trial of the case.

Additionally, it has been submitted that charge has not been framed, although, charge-sheet was filed long back.

Learned advocate for the State submits that since the POCSO Court is lying vacant, the prosecution is unable to proceed with the case inspite of best of its efforts.

Learned advocate for the defacto-complainant opposes the prayer for bail.

I have considered the materials of the case. So far as the merits are concerned, materials are appearing which require at least cross-examination of the victim girl.

Having considered the overall facts, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, so far as the business of the court is concerned, the learned Registrar (Judicial Service), High Court, Calcutta would ensure that within a period of 45 days, a Presiding Officer is engaged in the POCSO Court.

In case, no Presiding Officer is available, it would be the duty of the In-charge of the Court to proceed with the regular trial of the case, since in many cases accused persons are seen to be in custody.

Accordingly, CRM(M) 1929 of 2025 is **dismissed.**

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

