



High Court of Sikkim

Record of proceedings

**Bail Application No.02 of 2019**

SAJID ALAM

.... APPLICANT

VERSUS

STATE OF SIKKIM

.... RESPONDENT

**Date : 17-10-2019**

CORAM :

**THE HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE**

For Applicant : Mr. Dewen Sharma Luitel and Mr. Deepu Prasad, Advocates.

For Respondent : Mr. S.K Chettri, Assistant Public Prosecutor.

**ORDER**

Heard Mr. Dewen Sharma Luitel, learned Counsel for the Applicant and Mr. S.K Chettri, learned Assistant Public Prosecutor, State of Sikkim.

This application under Section 439 read with Section 482 of the Criminal Procedure Code, 1973 (for short, CrPC) is filed for grant of bail in connection with Singtam Police Station FIR No.41/2019 under Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act, 2012).

The Applicant was arrested on 21.06.2019. This Application was filed on 30.08.2019.

It is pointed out by Mr. S.K Chettri, learned Assistant Public Prosecutor that charge-sheet was submitted on the very date of filing of this Bail Application i.e. on 30.08.2019. He further submits that trial has commenced and today is fixed for examination of the victim. In these circumstances, it is contended by him that it will be



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appropriate for the Applicant to move the learned Trial Court, if so advised, for grant of bail during trial.

It is submitted by Mr. Dewen Sharma Luitel, learned Counsel for the Applicant that the Application was filed before this Court after the Bail Applications were rejected on two occasions by learned Special Judge, POCSO Act, 2012, East Sikkim at Gangtok in *Crl. Misc. Case (POCSO) Bail No.29 of 2019* and *Crl. Misc. Case (POCSO) Bail No.33 of 2019* vide orders dated 23.07.2019 and 09.08.2019, respectively.

It is apparent that the Bail Applications were rejected by the learned Special Judge, POCSO Act, 2012, East Sikkim at Gangtok before the charge-sheet was submitted.

In the above circumstances, this Bail Application is disposed of with liberty to the Applicant to move the learned Special Judge, POCSO Act, 2012, East Sikkim at Gangtok for grant of Bail, if so advised.

Bail Application stands disposed of accordingly.

**Chief Justice**

17-10-2019

Index : Yes/No

Internet : Yes/No

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