

# THE HIGH COURT OF SIKKIM : GANGTOK

(Criminal Jurisdiction)

DATED : 19<sup>th</sup> FEBRUARY, 2018

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**SINGLE BENCH : THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI, CHIEF JUSTICE**

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Bail Appl. No.01 of 2018

**Petitioner** : Shri Raju Prasad,  
Aged about 29 years,  
Son of Shri Sambhu Ram,  
Resident of Upper Bazaar, Rangpo,  
P.O. & P.S. Rangpo,  
East Sikkim.

**versus**

**Respondent** : State of Sikkim,  
Represented by and through  
the Public Prosecutor,  
Government of Sikkim,  
Gangtok, East Sikkim.

Application under Section 439 read with Section 482  
of the Code of Criminal Procedure, 1973

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**Appearance**

Mr. A. Moulik, Senior Advocate with Ms. K. D. Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioner.

Mr. Karma Thinlay, Mr. Thinlay Dorjee Bhutia, Addl. Public Prosecutors and Mrs. Pollin Rai, Assistant Public Prosecutor for the State-Respondent.

I.O. Kessang D. Bhutia, Police Inspector.

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## O R D E R (ORAL)

**Satish K. Agnihotri, C.J.**

**1.** The petitioner was charge-sheeted for having committed the offence under Sections 342/376/511/354/34 of IPC, 1860 read with Section 8 of the Prevention of Children from Sexual Offences

**Raju Prasad vs. State of Sikkim**

Act, 2012, (in short, the POCSO Act). The charge-sheet was filed on 5<sup>th</sup> April 2017.

**2.** Mr. A. Moulik, learned Senior Counsel appearing for the petitioner, submits that the petitioner is being tried not for any serious sexual assault but accosting the victim and attempting to misbehave her. It is stated that the trial is at evidence stage.

**3.** Mr. Karma Thinlay, learned Additional Public Prosecutor, fairly submits that since the trial is at the evidence stage, a direction be issued to complete the trial at the earliest, this is not a case, wherein at this stage, on the basis of submissions of learned Senior Counsel, the accused be released on bail when the victim is 12 years' old.

**4.** Having considered all aspects of the matter and on examination of the charge-sheet, I am of the considered view that since the trial is at advance stage of examination of evidences and also keeping in view the nature of offence involved therein, there is no ground to grant bail at this stage. However, the Court directs the learned trial Judge to expedite the hearing and conclude the trial at the earliest, preferably within a period of 3 (three) months.

**5.** It is ordered. Consequently, the Bail Application is disposed of.

**(Satish K. Agnihotri)**  
**Chief Justice**

19-02-2018

Approved for reporting : **Yes**  
Internet : **Yes**