

**14.10.2020**

Item No.3

Ct.No.12

dc.

**Rejected**

**C.R.M. 3433 of 2020**  
**C.R.A.N. 1 of 2020 (Old No. CRAN 1744 of 2020)**  
**(Through Video Conference)**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Itahar P.S. Case No. 82/2020 dated 13.03.2020 under Section 4 of the Protection of Children from Sexual Offences Act (POCSO Case No. 470/2020).

And

In the matter of : Kader Ali ... Petitioner.

Mr. Suman De,  
Mr. Parvej Anam ... For the Petitioner.

Mr. Tanmoy Kumar Ghosh,  
Mr. Arindam Sen ... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Vide order dated 15.05.2020, a co-ordinate Bench of this Court passed an order directing the petitioner to swear an affidavit stating, inter alia, that he has deleted all objectionable and intimate photographs of the victim and the petitioner from all kinds of photographic system. The petitioner accordingly affirmed an affidavit on October 3, 2020 and has filed the same before this Court.

In the instant case, the petitioner has been booked for committing offence under Section 4 of the Protection of Children from Sexual Offences Act. From the affidavit, it is ascertained that the victim was subjected to sexual offence committed by the petitioner and secondly, photographs were taken and thirdly, those photographs were deleted by the petitioner.

Deletion of photographs does not relieve the petitioner of the prima facie charge under Section 4 of the Protection of Children from Sexual Offences Act. Considering the gravity of the offence, we are not in a position to release the petitioner on bail. Prayer for bail is, thus, considered and rejected.

CRM 3433 of 2020 and CRAN 1 of 2020 (Old No. CRAN 1744 of 2020) are disposed of.

**(Bibek Chaudhuri, J.)**

**(Subrata Talukdar, J.)**