

16.09.2020
Sl No. 22
Ct. No.11
KS

CRM 6622 of 2020
With
CRAN 1 of 2020

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat Women Police Station Case No.36 of 2020 dated 17.03.2020 under Sections 450/376 of the Indian Penal Code & Section 4 of the POCSO Act.
And

In Re: Akash Paul @ Akash Jadav

... .. Petitioner

Mr. Debasis Kar,
Mr. Arka Chakraborty,
Mr. Husen Mustafi

..... for the petitioner

Ms. Zareen N. Khan,
Ms. Manisha Sharma

... .. for the State

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the Court. The petition is taken up through video-conference on the basis of such undertaking.

Bail on behalf of the petitioner is prayed on the ground that the petitioner is a young man of 19 years and the victim is a girl of 16 years. They are having love relationship and they voluntarily established physical relationship. In course of such incident, the petitioner and the victim were caught red handed by the family members of the latter and FIR was lodged against the petitioner. Admittedly, the victim was aged about 16 years at the time of commission of offence. Since the victim was minor, consent is of no consequence.

Considering the nature of implication against the petitioner under Sections 450/376 of the Indian Penal Code as well as

Section 4 of the POCSO Act, we are not inclined to release him on bail.

The prayer for bail is thus rejected.

Accordingly, CRM 6622 of 2020 and CRAN 1 of 2020 are disposed of.

(Bibek Chaudhuri, J.)

(Samapti Chatterjee, J.)