

25.09.2020

CRM 7013 of 2020

Court No. 8
Item No. 2 (SL)
abhar/bdatta

(Via Video Conference)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 131 of 2020 dated 26.06.2020 under Sections 363/365 of the Indian Penal Code, adding Sections 376(2)(n)/366/376(3) of the Indian Penal Code and further adding Section 6 of the POCSO Act.

and
In the matter of: Dipu Roy @ Apurba Roy.
... Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.

.....for the Petitioner

Ms. Zareen N. Khan,
Ms. Manisha Sharma.

..... For the State

The learned advocate for the petitioner submits that there was a love affairs between the victim and the petitioner and, in fact, married each other to live happy conjugal life. It is further submitted that there is no allegation of sexual harassment/offence by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure. It is thus submitted that the petitioner who is languishing in jail for nearly 87 days should be released on bail.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that 13 years old girl was taken by the accused and was recovered from his relations house and the complaint has been lodged not only under Sections 363/365 of the Indian Penal Code but also under Section 6 of the POCSO Act. It is further submitted that this is a heinous crime and the act of the accused is unpardonable.

After hearing the respective submissions and on perusal of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as well as the fact that the victim is at the tender age of 13 years and was given her marriage, we do not feel that it is a fit case where the petitioner should be enlarged on bail. Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M. 7013 of 2020 is dismissed.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)

