

14-10-2020
k.b./b.r.
Item no.17
rejected
Crt.12

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7435 of 2020

Manjur Alam

-vs-

The State of West Bengal

(Via video conference)

IA No. CRAN 1 of 2020

In Re: An application for bail under Section 439 CrPC in connection with Hemtabad PS 224 of 2019 dated 5.11.2019 under Sections 376(2) (f) (i) of the Indian Penal Code read with Section 6 of the POCSO Act (POCSO case No. 49 of 2019).

Mr. Kaushik Choudhury

...for the petitioner.

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

... 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 undertakings.

The petitioner has prayed for bail on the ground that during trial of the case, the mother of the victim deposed on oath that the victim was injured as a result of road traffic incident she went to the local police station to record the said incident, but allegation of rape and sexual abuse of victims minor girl was recorded in the FIR without her knowledge. The victim was not subjected to any such offence. The medical report also does not suggest any injury on the person of the victim girl and accordingly the petitioner should be released on bail.

We have carefully perused the materials on record. From the Case Diary, it appears that victim made a statement under Section 164 of the Code of Criminal Procedure alleging offence under Section 6 of the

POCSO Act. The victim has not been examined by the trial Court as yet. Therefore, without considering the victims evidence in Court, we are not in a position to grant bail to the petitioner.

Prayer for bail is thus rejected at this stage.

The trial of the case be expedited.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Bibek Chaudhuri, J.]

[Subrata Talukdar, J.]