

DI. November
8. 18, 2020

C.R.M. 8543 of 2020

(Via Video Conference)

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 419 of 2019 dated November 24, 2019 under Sections 363/376 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act;

And

In the matter of : Dipankar Sarkar ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Kallol Ghosh,
...for the petitioner.

Mr. Biswarup Roy,
Mr. Ujjwal Luksom,
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the alleged survivor in this case accompanied the petitioner and it was the petitioner who reached the alleged survivor home. The petitioner speaks of the delay of more than 16 days in the complaint being lodged.

The State refers to the statement of the survivor recorded under Section 164 of the Code. According to the survivor, she was coerced to go out with the petitioner herein, taken to a strange place, forcibly undressed and raped and her photographs were taken with the threat that those would be posted

on the social media if she made slightest of whimpers.

The petitioner says that there are no charges of any act of indecency committed by the petitioner in taking photographs of the survivor or attempting to post the same on the social media.

The State says that the investigating agency is in possession of a pen drive containing such photographs and video clips as complained of by the survivor.

It has become fashionable now to not only use force to demand sex, but to take compromising photographs of the girl or woman in an attempt to ensure her silence. The fact that the State says that the photographs and video clips have been recovered corroborates the survivor's statement. Appropriate charges in such regard could be brought, including by filing a supplementary charge-sheet, if necessary.

On the basis of the statement of the survivor, the petitioner is not entitled to any reprieve at this stage.

CRM 8543 of 2020 is disposed of.

(Sanjib Banerjee, J.)

ar/dns

(Aniruddha Roy, J.)