

05-11-2020
k.b./b.r.
Item no.10
Crt. 08
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8825 of 2020
Jahar Ali Mondal @ Jhar
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC in connection with SC No. 20 of 2020 (SPL) arising out of Chakdah P.S. Case No. 267 of 2020 dated 18.09.2020 under Sections 376(3) of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act, 2012.

Mr. Shibaji Kumar Das
Ms. Rupsa Sriemani

...for the petitioner.

Mr. Swapan Banerjee

... 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.

Learned advocate for the petitioner submits that the petitioner is in custody for 35 days and charge sheet has already been submitted. Learned advocate additionally submits that in view of the charge sheet filed, further detention of the petitioner is not unwarranted.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the statement recorded under Section 164 CrPC of the victim.

We have perused the materials on record and we are of the opinion that the victim girl who is aged 12 years and the present petitioner is

above 52 years. We have also taken into account the statement of the victim girl recorded under Section 164 CrPC.

Having considered the statement of the victim girl and the complicity of the present petitioner as alleged we are of the opinion that the petitioner has failed to make out a case for bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

With the aforesaid observation, CRM 8825 of 2020 is disposed of.

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

[Tirthankar Ghosh, J.]

[Ashis Kumar Chakraborty, J.]