

05-11-2020
Subrata/Subha
Item no.22
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 8856 of 2020
Sumanta Rong @ Nera
-vs-
The State of West Bengal
(Via video-conference)

In Re: An application for bail under **Section 439 CrPC** in connection with Indus P.S. Case No.145 of 2020 dated September 21, 2020 under sections 365/363/34 IPC and 4 & 5 POCSO Act, 2012.

Mr. Ayan Bhattacharya
Ms. Jui Datta Chakraborty ...for the petitioner

Mr. N.P. Agarwal
Mr. Gautam Wilson ... for the State

The petitioner claims to be in custody since September 24, 2020.

According to learned advocate appearing for the petitioner, the victim girl has refused to undergo medical examination before the concerned hospital. Thus, it is submitted, the petitioner should be granted bail.

On the other hand, learned advocate appearing for the State raises strong objection to the petitioner's prayer for bail. From the case diary made over to us it appears that the victim girl offered herself for medical examination. She is only 14 years old. Thus, it is submitted that the petitioner should not be granted bail.

Having considered the materials on record, particularly the fact that the victim girl is a minor, 14 years old and the contents of the medical report, we find substance in the contention raised by the learned advocate for the State. Accordingly, the prayer for bail of the petitioner is rejected.

CRM No.8856 of 2020 stands disposed of accordingly.

[Tirthankar Ghosh, J]

[Ashis Kumar Chakraborty, J]

