

04-12-2020

Item no.10
Bail rejected
Crt.11
k.b/b.r.

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 9882 of 2020

Satyen Biswas

-vs-

The State of West Bengal

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Dhupguri P.S. Case No. 318 of 2020 dated 06.09.2020 under Sections 376(2)(n)/376(3)/312/313 IPC read with Section 6 of POCSO Act; corresponding to Sessions Case (POCSO) No. 91/2020.

Mr. Joydeep Kanta Bhowmick ...for the petitioner.

Mr. Tapan Bhattacharjee ... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within 48 hours 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 since 31.10.2020 and he has been falsely implicated in this case. Learned advocate for the petitioner further submits that there are no iota of materials so far as the present petitioner is concerned in the alleged offence and since only on the basis of oral statement it has been alleged that the present petitioner has no qualification for aborting the victim girl.

Learned advocate for the State opposes the prayer for bail and submits that the report of the medical expert reveals the victim girl very recently had suffered abortion and the oral testimony of the

victim do corroborate the facts of the case thereby pointing to the guilt of the present petitioner.

We have taken into account the facts of the case as a whole and having regard to the nature of the allegation and the role of the present petitioner in aiding the principal accused, we are of the opinion that till the stage for consideration of charge is over, it would not be fit and proper in enlarging the petitioner on bail. As such the prayer for bail of the petitioner is rejected at this stage.

With the aforesaid observation, the application for bail, being CRM No. 9882 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.]

[Subrata Talukdar, J.]