

11.12.2020
Court No.28
SL No.20
AP

CRM 10231 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Serampore Women** P.S. Case No.**30/2020** dated **30.08.2020** under Sections **376(1)/376(2)(i)/328/354C** of the Indian Penal Code and Sections **6/12** of the POCSO Act.

And

In the matter of: **Biswajit Ghosh**

....Petitioner.

Mr. S.G. Chowdhury,
Mr. Argha Das

...for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State

It is submitted on behalf of the petitioner that the victims were consenting parties and they had denied medical examination.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner, taking advantage of his relationship with the family, had forcibly raped not only the mother but also the minor child.

We have considered the materials on record. Statements of the victims under Section 164 of the Code of Criminal Procedure show that they were forcibly raped. In view of the aforesaid fact and the gravity of the offence involving betrayal of trust by a close relation including sexual abuse of a mother and her child, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)