

11.01.21
S.R.
Sl.11
Ct.28

CRM No.52 of 2021

Via video conference

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Baishnabnagar Police Station Case No.372 of 2020 dated 24.07.2020 under Section 6 of Protection of Children from Sexual Offence Act, 2012;

And

In re: Anup Mandal

Ms. Minoti Gomes ... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Mr. Bidyut Kr. Roy

Miss. Rita Datta ...for the State.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 168 days and there was an affair between the victim and the present petitioner and the petitioner has been falsely implicated in this case.

The learned Public Prosecutor appearing for the State produces the case diary and draws the attention of this Court to the statements of the victim under Sections 161 and 164 of the Criminal Procedure Code.

Having regard to the provisions of Section 35(1) of the POCSO Act, we are not inclined to release the petitioner on bail at this stage. However, the petitioner will be at liberty to renew the prayer for bail after the evidence of the victim is over.

Accordingly, CRM 52 of 2021 is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)