

07.01.2021

Item no.17

Ct.5

CHC

Rejected

C.R.M. No.102 of 2021

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No. 137 of 2020 dated September 8, 2020 under Sections 376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of:-

Abhijit Sardar

... Petitioner

Ms. Sananda Bhattacharyya

.. for the petitioner

Mr. Binoy Kumar Panda,
Mr. Subham Bhakat

..for the State

This relates to the prayer for bail.

Learned advocate for the petitioner Ms. Sananda Bhattacharyya prays for bail of petitioner taking the ground of love relationship together with long detention of 120 days.

Learned Additional Public Prosecutor, Mr. Panda with the assistance of Mr. Subham Bhakat raises objection against the prayer for bail referring the medical examination report obtained after medical examination of the victim girl, and the statement of

the father of the victim girl. Trial has been commenced and the next date is fixed on 15th February, 2021.

The love relationship is found to be capitalized from the statement of the victim, recorded under Section 164 Cr.P.C., which stands rebutted from the statement of the father of victim recorded under Section 164 Cr.P.C. The victim girl has not yet reached her age of discretion. She is still considered to be minor amenable under the jurisdiction of the POCSO Act.

Having considered the materials already collected in the C.D. and bearing in mind the medical evidence, transpiring sufficient vaginal interference within the meaning of penetration, we are not inclined to grant bail to the petitioner.

The prayer for bail of the petitioner stands refused.

C.D. be returned.

Liberty is given to renew the prayer for bail after the examination of vulnerable witnesses like victim girl and her father.

CRM 102 of 2021 stands **disposed of**.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)