

**13.01.2021**  
**Mithun**  
**Sl. No.01.**  
**D/L.**  
**Ct.No.30**

**CRM/300/2021**

**In Re:** An application for bail under Section 439 of the Code of Criminal Procedure, an order dated 22.12.2020 passed by Judge, Special Court (POCSO) Rampurhat, Birbhum in connection with the Margram Police Station Case No.105/20 dated 29.08.2020 under Sections 341/354/354A/354B/509 of I.P.C. and Sections 12/17, the Protection of Children from Sexual Offences Act, 2012 and Section 67/67A/67B of Information Technology Act, 2000 and charge sheet submitted under Section 500/509 of the Indian Penal Code

**In the matter of : Manir Sk.**

**...the petitioner.**

Mr. Angshuman Chakraborty, Adv.,  
Mr. Shashanka Shekhar Saha, Adv.

... for the Petitioner.

Mr.Neguive Ahmed, Ld. A.P.P.,  
Ms.Anita Gaur, Adv.

...for the State.

Having heard the learned Counsels for the petitioner and the State and considering the materials on record as well as the case diary it is ascertained that the victim had love relation with the principal accused, named Seraj. Taking advantage of such relationship and minority of the victim, some obscene photographs of the victim were taken on a mobile phone of Seraj. Subsequently one of

such obscene photographs was downloaded by the present petitioner and he uploaded the same in social network side. In such way, victim's nude photograph became viral.

Learned Advocate for the petitioner has prayed for bail on the ground that the principal accused Siraz has already been enlarged on bail, the petitioner is in custody for 86 days. Charge-sheet has already been submitted and there is no need to detain the accused in custody.

Learned P.P.-in-Charge has raised vehement objection against such prayer on bail.

It is learnt that trial of the case has already been started. There is sufficient material in the CD that the petitioner uploaded nude picture of the victim in the facebook and it went viral. Taking advantage of minority of the victim and her relationship with the friend of the present petitioner, he committed such offence having grave social impact not only upon the petitioner but also to the society at large. Considering the nature and gravity of offence, I am not inclined to release the petitioner on bail. Prayer for bail is heard, considered and rejected.

The Trial Court is directed to conclude the trial expeditiously preferably within 3 months from the date of communication of this order.

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

**(Bibek Chaudhuri, J)**