

01.03.2021
Item No.54
Ct.No.28
Subha
rejected

C.R.M. 685 of 2021
(Via Video Conference)

Asmaul @ Hsmaul @ Hasmaul Moillah
-vs-
The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Digha Mohana Coastal P. S. Case No. 10 of 2019 dated April 9, 2019 under Sections 366A/368/370/370A/372/373/120B/34 of the Indian Penal Code and Sections 3/4/5/7/9 of the Immoral Traffic Prevention Act, 1956 and Sections 4/8/17/21 of the Protection of Children from Sexual Offences Act, 2012.

Ms. Ritoprita Ghosh

... For the Petitioner.

Mr. S. G. Mukherji, Id. PP
Mr. Rudradipta Nandy

... For the State.

Ms. Ghosh, learned advocate appearing for the petitioner submits that the petitioner is in custody since 9th April, 2019 and unnecessarily languishing in custody without any progress in the case.

Learned advocate for the petitioner further submits that the petitioner is innocent and he was apprehended by the police authorities and described as a customer at the place of occurrence.

Mr. Mukherji, learned Public Prosecutor opposes the prayer for bail and submits that earlier on number of occasions, the prayer for bail of the petitioner was rejected and the victim of the case happened to be minor thereby attracting the provisions of the POCSO Act, 2012.

Having regard to the nature of allegations and the fact that the offences involved are in respect of Sections 372/373 of the Indian Penal Code, Immoral Traffic Prevention Act, 1956 as also Section 4 of the POCSO Act, 2012 which involves minor girls, we are not inclined to enlarge the present petitioner on bail at this stage.

Accordingly, the prayer for bail of the present petitioner is rejected.

With the aforesaid observations, the application for bail being CRM 685 of 2021, is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)