

19.03.2021
Item No.79
Ct.No.28
Subha
rejected

C.R.M. 939 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with English Bazar Women P. S. Case No. 37 of 2020 dated 24-04-2020 under Section 4 of the POCSO Act, 2012.

In the matter of : Sk. Miru @ Mirul ... Petitioner.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
... For the Petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta
...for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with English Bazar Women P. S. Case No. 37 of 2020 dated 24-04-2020 under Section 4 of the POCSO Act, 2012.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the petitioner is in custody since 28th April, 2020 and he has been falsely implicated in the present case.

Additionally, learned advocate for the petitioner submits that having regard to the fact that the chargesheet has already been submitted, further detention of the petitioner is unwarranted.

Mr. Roy, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have found that the age of the victim is 14 years while that of the present petitioner to be 35 years and having regard to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure which directly implicates the present petitioner and nature and gravity of the offence, we are of the opinion that this is not a fit case to release the present petitioner on bail and as such, the prayer for bail of the petitioner is rejected at this stage.

With the aforesaid observations, the application for bail being CRM 939 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)