

09-04-2021
Subha
Item no.134
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1494 of 2021

Ram Sarkar

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with English Bazar Women P.S. Case No.98 of 2020 dated 22nd September, 2020 under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No. 107 of 2020.

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.
Mr. Krishan Roy
Ms. Amrita Chel

...for the petitioner.

Mr. Anowar Hossain
Mrs. Ratna Ghosh

.....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 Police Station Case No. 98 of 2020 dated 22nd September, 2020 under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Mondal, learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the instant case.

Learned counsel for the petitioner has relied upon the First Information Report and the statement of the victim to impress upon us that it does not disclose any offence nor the petitioner has been implicated.

Mr. Hossain, learned advocate appearing for the State, however, opposes the prayer for bail and has relied upon orders passed by the Co-ordinate Benches in CRM 10750 of 2020 passed on 4th March, 2021 and CRM 8789 of 2020 passed on 5th November, 2020 respectively. He also submits that persons similarly placed as that of the present applicant have been refused bail.

We have seen the First Information Report as also the taken note of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We find that the petitioner stands on the same footing as that of the present applicant in CRM 10750 of 2020 and CRM 8789 of 2020.

The Co-ordinate Benches recorded that prima facie there are materials on record which clearly reveal the direct involvement of the petitioner in the alleged offence and refused to grant bail with the other co-accused.

There is a serious allegation that the petitioner with several other co-accused persons may be involved in the alleged racket.

Under such circumstances, we are of the view that no leniency can be shown to the present petitioner and as such prayer for bail of the present petitioner is, hereby, rejected.

The application for anticipatory bail, being CRM 1494 of 2021 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]

