

09-04-2021
Subha
Item no.135
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1495 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.102 of 2020 dated 2nd October, 2020 under Sections 328/120B of the Indian Penal Code read with Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No. 111 of 2020.

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

...for the petitioner.

Mr. Rana Mukherjee, APP
Mr. Suman Saha

.....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. 102 of 2020 dated October 2, 2020 under Section 328/120B of the of the Indian Penal Code read with 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 has been falsely implicated in the instant case.

Learned counsel for the petitioner has relied upon the

medical examination report to submit that the allegations made against the petitioner of any sexual assault or exploitation is not established.

Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State, however, opposes the prayer for bail and our attention is drawn to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Considering the materials on record, the statement of the victim recorded under 164 of the Code of Criminal Procedure and the incriminating materials available against the petitioner, 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 1495 of 2021 is, thus, disposed of.

[Tirthankar Ghosh, J]

[Soumen Sen, J]

