

06.04.2021

Item No.161

Ct.No.28

dc.

Rejected

C.R.M. 1544 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Tarakaswar P.S. Case No. 122 of 2019 dated 12.06.2019 under Sections 363/365/376/(2)(i)(n) of the Indian Penal Code and Sections 4/6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act.

And

In Re : **Bapan Majhi**

... Petitioner.

Mr. Siddhartha Ghosh Roy

... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Ms. Baisali Basu

... For the State.

This is an application for bail in connection with Tarakaswar P.S. Case No. 122 of 2019 dated 12.06.2019 under Sections 363/365/376/(2)(i)(n) of the Indian Penal Code and Sections 4/6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act at the behest of the petitioner.

Indubitably the victim girl is minor that is below the age of 18 years. A plea has been taken by the petitioner that he had a love affair and subsequently they married each other. Since the victim girl was minor at the time of commission of offence and not capable to give consent, we do not think that the petitioner has been able to wriggle out

from the rigours of provisions of POCSO Act. As such, the petitioner's prayer for bail is **rejected** at this stage.

The application for bail, being CRM 1544 of 2021, is, thus, dismissed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)