

21-04-2021

Item no.137
Court No. 28
Subha
Rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 1697 of 2021

Tanmoy Ghorui

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Arambagh Police Station Case No. 415 of 2020 dated 12-11-2020 under Sections 323/417/376/406/506 of the Indian Penal Code and 4/6 of the POCSO Act.

Mr. Pradip Kumar Chatterjee
Mr. Gautam Banerjee

...for the petitioner.

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 Arambagh Police Station Case No. 415 of 2020 dated 12-11-2020 under Sections 323/417/376/406/506 of the Indian Penal Code and Section 4/6 of the POCSO Act.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is in custody since 13th November, 2020 and the incident which has allegedly given rise to the fact of the present case according to him if taken to be true also occurred when the de facto complainant was a minor.

He further submits that the victim has turned major and the

petitioner is interested to marry the victim.

Ms. Datta, learned advocate appearing for the State opposes the prayer for bail and submits that the charge has already been framed and the evidence of the case is about to commence.

Having regard to the provisions of POCSO Act, the stage of the case and the materials, which have surfaced in course of investigation, we are not inclined to release the petitioner on bail and as such, the prayer for bail of the present petitioner is rejected at this stage.

However, the learned trial court is directed to complete examination of the de facto complainant within a scheduled period as has been provided under the provisions of Section 35 of the POCSO Act.

The petitioner is granted liberty to renew his prayer for bail after the evidence of the victim girl is over.

The application for bail, being CRM 1697 of 2021 is, accordingly, dismissed.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

