

23.08.2021

Court No.28
Item No.7
(REJECTED)

Saswata

CRM 2085 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Bidhannagar South Police Station Case No. 158 of 2020 dated 30.11.2020 under Sections 6/10 of the POCSO Act;
And

In the matter of : **Asish Tewari @ Asis Tewari**

...Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Debangana Bhattacharjee
Ms. Swarnali Saha

...For the Petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar South Police Station Case No. 158 of 2020 under Sections 6/10 of the POCSO Act.

Taking advantage of the lack of requisite knowledge of Police Officer at the time of registering the case, the petitioner attempted to wriggle out the rigorous provision of the POCSO Act with specific contention that the elements required for constituting an offence under Section 6 of the POCSO Act is conspicuously absent.

The State opposes the prayer for bail and relies upon the statement of the minor victim girl under Section 164 of the Code of Criminal Procedure.

After perusing the statement of the minor victim girl recorded under the aforesaid Section and the sexual assault having defined under Section 7 of the said Act and the intent as envisaged under Section 9(m) thereof, we do not think that it is a fit case where the petitioner should be enlarged on bail.

The application for bail is, thus, considered and ***rejected***.

The application for bail being CRM 2085 of 2021 is, accordingly, dismissed.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)