

03.08.2021
Item no. 22
Court No.32.
S.De.(s)
(rejected)

(Via Video Conference)

CRM 2255 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Berhampore Police Station Case No. 263 of 2020 dated 12.03.2021 under Sections 363/366/376 of the Indian Penal Code, 1860 read with Section 4 of the POCSO Act.

And

In the matter of : Manab Halder.

.....Petitioner.

Mr. Rabiul Islam, Advocate,
Mr. Argha Chakraborty, Advocate,
.....for the Petitioner.

Mr. Bidyut Kr. Roy, Advocate,
Ms. Ritz Datta, Advocate,
Ms. Monisha Sharma, Advocate,
.....for the State.

Charge against the petitioner is under Sections 363/366/376 of the Indian Penal Code and Section 4 of the POCSO Act 2012.

It is submitted on behalf of the petitioner that there was a love affair between the petitioner and the victim and the victim accompanied the petitioner voluntarily. No incident as alleged has occurred at all. The petitioner is in custody for one year and four months.

The State refers to the case diary as well as the statement of the victim recorded under Section 164 of the Code wherein the victim has implicated the petitioner.

We have considered the material in the case diary including the statement of the victim under Section 164 of the Code of Criminal Procedure. Sufficient incriminating material have transpired against the petitioner during investigation which culminated in submission of charge sheet. It is reported that charges have also been framed.

Considering the nature and gravity of the offence, we are not inclined to grant bail to the petitioner, at this stage. However, we request the learned Trial Court to bring the case to its logical conclusion as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Accordingly, CRM 2255 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)