

02.06.2021

Sl. No.15

Court No.30

BM

CRM 2663 of 2021

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

And

In the matter of: Lakkhan Mahato @ Laxman

... Petitioner

Mr. Kazi M. Rahaman ... for the petitioner

Mr. S. G. Mukherjee, learned PP

Mrs. Zareen N. Khan

Mrs. Sreeparna Dan ... for the State

The petitioner has claimed to have married the victim girl aged 14 years and our attention is drawn to the photograph of the victim girl with that of the petitioner accused annexed to the application to contend that they are in to marriage and they had relationship and accordingly, the petitioner has sought for release on bail as he is already in jail for 188 days and is ready to face the trial.

Learned Public Prosecutor has invited our attention to pages 38 and 44 of the case diary which are statements of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the medical injury report respectively.

Now having heard the learned counsel for both the parties and in consideration of the case diary in particular the statements under Section 164 of the Code of Criminal Procedure and the injury report and admitted position of sexual intercourse, the offence is undoubtedly committed under the provision of Section 6 of the

Protection of Children from Sexual Offences Act, therefore, we are not inclined to release the petitioner on bail at this stage. However, we request the Special Judge, POCSO Act to expedite the trial as expeditiously as possible.

CRM 2663 of 2021 is dismissed.

(Aniruddha Roy, J.)

(Shivakant Prasad , J.)