

27.07.2021
Item no.11.
Court No.32.
AB (a)
(Rejected)

(Via Video Conference)

CRM No. 3497 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.04.2021 in connection with Taherpur Police Station Case No.198 of 2018 Dated 3.9.2018 under Sections 376(2)(i)/511 of the Indian Penal Code read with Section 10 of the POCSO Act

And

In the matter of : Sambhu Das

.....Petitioner.

Mr. Anjan Bhattacharya,
Ms. Anita Shawfor the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Dutta,
Ms. M. Sharmafor the State.

The petitioner has been charged with commission of offence punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012.

Learned Advocate appearing for the petitioner submits that he has been in custody for more than three years. Although charges have been framed, there is little chance of the trial commencing at an early date. The petitioner is a family man. There is no chance of the petitioner absconding if enlarged on bail.

The State has produced the case diary and has drawn our attention to statements of the survivor and her friend, who was an eyewitness, recorded under Section 164 of the Code. Both the young girls, aged about 9 years and 7 years respectively, have vividly narrated the alleged incident.

We are of the view that the petitioner should not be enlarged on bail at this stage. The examination of vital and vulnerable witnesses and in particular the survivor and her friend, who was an eyewitness, is yet to be undertaken. Further, prima facie we are of the view that the girls aged 9 and 7 years respectively are hardly likely to cook up a story.

Hence, we are not inclined to grant bail to the petitioner at this stage.

The prayer for bail stands rejected.

C.R.M. No.3497 of 2021 is, accordingly, disposed of.

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.)