

22.11.2021

Sl. No. 660

Court No.29

BM

CRM 4937 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: Surajit Mishra

... Petitioner

Mr. Subir Ganguly

Mr. Sumanta Ganguly

... for the petitioner

Mr. Debabrata Chatterjee, APP

Ms. Moushumi Sarkar

... for the State

This is an application for grant of bail in connection with Serampore Woman P.S. Case No.11 dated 13.02.2021 under Sections 417/420/376 of the Indian Penal Code read with Section 6 of the POCSO Act.

As per the case of the petitioner, the petitioner is in custody since his arrest and has submitted that Police has completed investigation and has submitted charge sheet. He has further submitted that Section 6 of the POCSO Act is not applicable and prayed for bail.

Learned counsel for the State has raised vehement objection and submitted that the petitioner has committed heinous offence against the mother and the daughter. The daughter is of 14 years of age and Section 6 of the POCSO Act is applicable in the instant case. Learned counsel for the State further submitted that investigation has been completed and the case is ready for trial.

We have consider submissions of the respective parties and perused the case diary and after going through the records, we are of the view that this is not a fit case to grant bail to the petitioner.

Hence, bail application is rejected.

The application for bail being CRM 4937 of 2021 is disposed of.

(Krishna Rao, J.)

(Shivakant Prasad, J.)