

17.11.2021

Court No.28
Item No.60
(REJECTED)

Saswata

CRM 5219 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with English Bazar Women Police Station Case No. 98 of 2020 dated 22.09.2020 under Sections 6/17 of the POCSO Act;

And

In the matter of : **Ram Sarkar**

...Petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

...For the Petitioner

Ms. P.K.Dutta

Mr. Santanu Deb Roy

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Women Police Station Case No. 98 of 2020 under Sections 6/17 of the POCSO Act.

The learned advocate for the petitioner heavily relies upon the statement of one of the minor victim girls at the time of recording the evidence to impress us that she, herself, volunteered that there was no commission of an offence on the alleged date.

We have gone through the statement of one of the minor victim girls and found such statement. Even, she has volunteered that the statement was recorded by the police officer after tutoring her that there was no such incident at any point of time.

At the first blush, we were inclined to grant bail, solely on the basis of the statement of one of the victim girls but we had an occasion to peruse the statement of another minor victim girl, where, in unequivocal terms, has narrated the incident which constitutes an offence against the petitioner.

Two minor victim girls initially came forward and lodged a complaint against the petitioner for an offence under Sections 6 and 17 of the POCSO Act. One of the minor victim girls was bold enough to disclose the fact even

if the other has detracted from her earlier statement. It does not wipe out the gravity of the offence committed on the minor children.

We, thus, do not find grounds warranting a decision in favour of the petitioner.

The prayer for bail is, thus, ***rejected***.

The application for bail being CRM 5219 of 2021 is accordingly ***dismissed***.

(Harish Tandon, J)

(Rabindranath Samanta,J.)