

02.11.2021
Court No.8
Item No.21
AP/ss
(Rejected)

C.R.M. 6917 of 2021

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shyampur P.S. Case No.227 of 2021 dated 12.06.2021 under sections 363/366/376(3)/506/34 of the Indian Penal Code and section 6 of Protection of Children from Sexual Offences Act and section 9 of Prohibition of Child Marriage Act.

And

In the matter of : Sk. Taifik Ali @ Toufik Ali

Mr. Anindya Ghosh

... ... for the petitioner

Mr. Sudip Ghosh

Ms. Debjani Sahu

... ... for the State

The petitioner is a co-accused in a case under which the principal accused has been charged under the provisions of the POCSO Act.

It is submitted that the petitioner has not been charged under the POCSO Act but has only been charged for kidnapping the victim to facilitate a marriage between the main accused and the victim.

This Court has considered the statement of the victim under section 164 Cr.P.C. and finds that the petitioner's contentions are not necessarily supported their act.

It is indeed true that the petitioner has not been charged under the POCSO Act in the charge-sheet and only

the main accused is. It would, however, be extremely premature to make any conclusive observation in this regard at this stage in respect of the petitioner, since charge can be added even at the stage of trial.

In the above circumstances, the application for bail being CRM 6917 of 2021 stands rejected at this stage.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Kesang Doma Bhutia, J.)

(Rajasekhar Mantha, J.)