

09.03.2021
Court No.28
rpan /26

C.R.M. 11038 of 2020
and
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Gazole P.S. Case No. 236 of 2020 dated 07.06.2020 under Section 6 of Protection of Children from Sexual Offences Act, 2012 [POCSO Case no.60 of 2020].

And

In Re : **Jamsed Sk @ Ali**

- Petitioner.

Mr. Kazi M. Rahman,
Ms. Ishita Biswas

....for the petitioner.

Mr. Rana Mukherjee,
Ms. Ratna Ghosh

....for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours from date. Subject to such undertaking, the application is taken up for hearing. The application, being CRAN No. 1 of 2020 is, accordingly, disposed of.

The learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl. From the contents of the complaint it is evident that the girl willingly accompanied the petitioner on the date of the alleged incident. Upon completion of investigation, charge-sheet has already been filed and as such, further detention of the petitioner, who is in custody for 275 days, is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for bail is refused at this stage.

The application for bail, being CRM No. 11038 of 2020, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)