

29.01.2021
Court No.28
rpan / 24

C.R.M. 11080 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Baisnab Nagar Police Station Case No.575 of 2020 dated 24.10.2020 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : **Biswajit Goyla @ Mondal**

...Petitioner.

Mr. Tulshidas Ray,

Mr. Tushar Kanti Mukherjee,

Mr. Tirthankder Roy

....for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

....for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for more than 194 days and there was a relationship between the petitioner and the victim. Additionally, the learned Advocate submits that there is no material collected so far as the offence punishable under the Indian Penal Code is concerned and as such, he may be released on bail on any ground as the investigation has been concluded.

The learned Public Prosecutor appearing for the State produces the case diary and draws the attention of this Court to the relevant materials available.

We have perused the materials on record and we are of the opinion that so far as the age of the victim girl is concerned there is a dispute. However, the prosecution records show that the victim girl is aged about 17 years 7 months. As such, the provisions of POCSO Act are attracted. In view of the fact that

the cognizance of the offence has been taken by the learned Special Court, we direct the learned Special Court to comply with the provisions of sub-section (1) of Section 35 of the POCSO Act. The bail application of the petitioner is rejected at this stage.

The petitioner is granted liberty to renew his prayer for bail immediately after the evidence of the victim is over.

With the aforesaid observations, CRM 11080 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)