

12.08.2021

Court No.28
Item No.10
(Rejected)

As
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Akd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM 765 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No. 784 of 2017, dated 25.09.2017 under Section 6 of the POCSO Act and charge sheet submitted under Section 6 of the POCSO Act.

And

In the matter of : **Biplab Pramanik.**

...Petitioner

Ms. Jeenia Rudra.

...For the Petitioner

**Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Aniruddha Biswas.**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Jalpaiguri Police Station Case No. 784 of 2017, under Section 6 of the POCSO Act.

It is really unfortunate that the step father has allegedly committed an offence under Section 6 of the POCSO Act and the victim girl has vividly narrated the incident in her statement recorded under Section 164 of the Code of Criminal Procedure. The victim girl is having a locomotive disability and alleged to have been subjected with the sexual assault that too at the behest of the step father.

In view of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we are not inclined to grant bail to the petitioner, despite the fact that he is languishing in jail for nearly two years and eleven months.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 765 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)