

27.01.2022

Serial no. 09

Srimanta

Ct. No. 42

(Through Video Conference)
CRM (SB) 9 of 2022

In re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 against an order dated 22.11.2021 passed by the Learned Judge, Special Court, under POCSO Act, cum Additional Sessions Judge, 2nd Court, Howrah in Spl. T.R. Case No. **52** of **2021** arising Sankrail Police Station Case No. **453** of **2021** dated 20.04.2021 under Section **354B** of the Indian Penal Code read with **10** POCSO Act, 2012.

And-

In the matter of : **Shambhu Charan Das**

... **Petitioner.**

Mr. Anil Kumar Chattopadhyay, Adv.

...for the Petitioner.

Mr. S. S. Imam, Adv.,

Mr. S. Kundu, Adv.

...for the State.

The allegation against the petitioner is that he, being a 'ward boy' of a private hospital, committed offence of aggravated sexual assault upon a girl patient aged about 14 years.

It is submitted by the learned advocate for the petitioner that the victim girl is a psychiatric patient. On her allegation, the father of the victim girl lodged a complaint on the basis of which the petitioner is in custody for about 287 days. The petitioner is a family man having his minor child and wife. They are now in precarious condition. Therefore, the accused may be released on bail.

On perusal of the FIR it is found that before lodging of the complaint the hospital authority examined the genuineness of the allegation of the petitioner and immediately sacked the petitioner from his service.

Thus, it is not only the complaint but also from the action taken by the hospital authority it is ascertained that the

petitioner was involved with some illegal activity with the victim girl.

The victim girl made statement under Section 164 of the Code of Criminal Procedure. On perusal of such statement this Court is of the view that the allegation against the petitioner is of such a nature where he should not be granted bail. Accordingly, prayer for bail is **rejected**.

(Bibek Chaudhuri, J.)