

29.08.2022.
18.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2717 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falta P.S. Case No.275 of 2021 dated 24.09.2021 under Section 376D(A) of the Indian Penal Code read with Section 4 of the POCSO Act and charge sheet submitted under Section 376(2)(f)/376(3)/354C/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Arpan Bhakta.

....Petitioner.

Mr. J. N. Chatterjee,
Mr. Kaushik Chowdhury,
Mr. Debasish Roy Chowdhury,
Mr. P. K. Goswami.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Mr. Ranadeb Sengupta.

...for the de-facto complainant.

Petitioner is in custody for 131 days. He submits he has been falsely implicated in the instant case. Allegation of penetrative sexual assault by the petitioner is an after thought. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant is represented by her lawyer. He also opposes the prayer for bail.

We have considered the materials on record. Victim is a minor. Petitioner is the private tutor of the victim and had overwhelming control over her. Her statement implicates the petitioner in the offence. Victim has categorically stated that

the petitioner showed her pornography films and subjected her to penetrative sexual assault. Victim is yet to be examined. Her vulnerable status qua the petitioner and the possibility of her being won over must also be borne in mind.

In view of the aforesaid incriminating materials on record and the vulnerable status of the victim, we are of the opinion that this is not a fit case to grant bail to the petitioner.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)