

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

11.04.2022
Item no.10
Ct.1
Suvendu/AB

C.R.M(DB) No.39 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Maynaguri Police Station Case No.202 of 2021 dated 26.04.2021 under Section 376D of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of:- Biswadeb Roy @ Biswa ... Petitioner

Mr. Bikash Singha
.. for the petitioner

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar
..for the State

Although learned counsel appearing for the petitioner submits that this is a case of sexual harassment under Section 12 of the POCSO Act and not a case of sexual assault under Section 6, the statement made by the victim girl recorded under Section 164 of the Code of Criminal Procedure indicates otherwise. The victim girl has stated that all three men had committed a sexual offence on her. Hence, we are not inclined to accept the submission made on behalf of the petitioner who was one of three men, the second person namely Mr. Ratan Roy already having been enlarged on bail by reason of being a juvenile.

The application for bail is accordingly rejected.

C.R.M(DB) 39/2022 is disposed of in terms of the above order.

(Kesang Doma Bhutia, J.)

(Moushumi Bhattacharya, J.)

