

19-06-2023
Subha
Item no.06
Bail rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 108 of 2023

Ashim @ Asim Bera

-vs-

The State of West Bengal

In Re: An application for bail under Section 439 Cr.P.C in connection with Pursurah P.S. Case No.90 of 2023 dated 11.04.2023 under sections 354C of the Indian Penal Code and 8/12 of POCSO Act.

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee

...for the petitioner.

Mr. Saibal Bapuli, Id. PP
Mr. Arijit Ganguly
Mr. Avik Ghatak

... for the State.

Mr. Ayan Bhattacharjee

...for the O. P. No. 2.

Mr. Ghosh, learned advocate appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the instant case. The foundation of the application for which the case was initiated the same has been diverted to a different set of offences and the chargesheet submitted. None of the allegations made therein are supported by any statement of the witnesses or any other materials.

Mr. Bhattacharjee, learned advocate appearing on behalf of the private opposite party opposes the contentions and submissions of the learned advocate for the petitioner and submits that the allegations on the face of it make out an offence.

The documents under Section 207 of the Code of Criminal Procedure have already been supplied to the accused persons as it

reflects from the records that the next date has been fixed for consideration of charges.

Mr. Ganguly, learned advocate appearing on behalf of the State opposes the prayer of the petitioner, produces the statement of the victim under Section 164 of the Code of Criminal Procedure.

I have considered the submissions of the learned advocates appearing for the parties and on an assessment of the same, I am of the opinion that no interference can be made regarding the release of the petitioner at this stage particularly when the evidence of the victim girl is yet to be recorded.

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

Petitioner would be at liberty to approach this court after the evidence of the victim girl is over. The learned special court is directed to at least complete the evidence of the victim girl within a period of 45 days from the date of framing of charges.

With the aforesaid observations, the application for bail, being CRM (SB) 108 of 2023 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

