

CRM 7520 of 2020
with
CRAN 1 of 2020
(Via Video Conference)

In re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat P.S. Case No. 23 of 2020 dated 18.01.2020 under Section 376AB of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

In the matter of : **Samar Mondal @ Nadu**

..... petitioner

Mr. Dhananjay Banerjee

....For the petitioner

Mr. Rana Mukherjee

Ms. Sujata Das

.....For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner complains of being in custody for more than 270 days. The petitioner, aged about 45, says that the injury report would not reveal that the nine-year old survivor was subjected to any sexual act.

The State relies on the statement of the survivor recorded under Section 164 of the Code. Such statement is clear and categorical and describes the incident which took place.

In the light of such statement and the conduct attributed to the petitioner therein, the petitioner is not entitled to any latitude. The prayer for bail is rejected.

CRM 7520 of 2020 and CRAN 1 of 2020 therein stand disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)