

ADDL 10.
November 17, 2020.
SG

CRM 7925 of 2020

In Re. An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Town) Police Station Case No.200 of 2019 dated 29.06.2019 under Sections 363/365 /376(2) of the Indian Penal Code & 6 of the POCSO Act.

In the matter of: Niraj Sahoo

...petitioner.

Mr Soumyajit Das Mahapatra

... for the petitioner.

Mr Saswata Gopal Mukherjee
Ms Faria Hossain

... 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 claims that the minor survivor in this case is given to making false complaints and even accused her teacher of abducting and raping her.

The State relies on the statement of the survivor recorded under Section 164 of the Code. The statement is clear and categorical. The statement corroborates the petitioner's stand that the petitioner and the minor had an affair, but the statement proceeds to say that the minor was sent to Patna where she was drugged and she was kept confined. The statement also refers to the minor being raped by an unknown person in Patna. The statement claims that the petitioner had forced the minor to have sex with the

petitioner and upon the minor getting pregnant, the petitioner advising the minor to abort the foetus.

Considering the age of the minor and her categorical statement, this petitioner cannot be enlarged at this stage.

CRM 7925 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)