

19.11.2020

tkm

sl no. 30

**C.R.M. 8714 of 2020  
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Parnasree P.S case no. 270 of 2019 dated 19.12.2019 under sections 376(A)(i)/506(ii) of the IPC read with section 6 of the POCSO Act and section 75 of the Juvenile Justice Act

And

In Re : Samir Luis Minz

..... petitioner

Mr. K Biswas

..... for the petitioner

Mr. Rana Mukherjee

Mr. Santanu Chatterjee

..... for the State

Petitioner is in custody for 314 days and it is submitted on behalf of the petitioner that there is inordinate delay in lodging FIR.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had control and custody of the minor victim who was sexually exploited by him.

We have considered materials on record. Though delay is considerable, explanation has been offered by the victim in her statement under section 164 Cr.P.C. and ought to be assessed in the light of the fact that the petitioner had fiduciary control over the victim herself.

Keeping in mind the aforesaid fact, we are of the opinion that this is not a fit case to grant bail to the petitioner at this stage.

Accordingly, prayer for bail is rejected.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**