

November 05, 2020
srm/ARDR
(Serial No. 17)
Rejected

**CRM 8758 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station case no. 263 of 2020 dated 12/03/2020 under Sections 363/366/376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

In Re : Manab Halder,

... petitioner

Mr. Jisan Iqubal Hossain,

.....for the petitioner

Mr. S. S. Imam,

Mr. Subrata Roy,

....for the State.

The petitioner says that the petitioner was acquainted with the survivor and the complaint has been filed upon the relationship going sour.

It is not difficult to see why the relationship went sour, if the statement of the survivor recorded under Section 164 of the Code is given credence. The survivor describes how the petitioner took advantage of the survivor's goodness to accompany the petitioner to a particular house where he apparently committed rape on her. The statement is clear and categorical and indicates how the survivor was rescued.

Considering such statement and the admission of the petitioner that the petitioner was associated with the survivor, who was undoubtedly a minor at the relevant point of time, the prayer for bail cannot be acceded to.

CRM 8758 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)