

November 05, 2020
srm/ARDR
(Serial No. 18)
Rejected

**CRM 8760 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station case no. 393 of 2020 dated 12/09/2020 under Sections 376D of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

In Re : Muntaj Sk.,

... petitioner

Mr. Jisan Iqubal Hossain,

.....for the petitioner

Mr. Imran Ali,

Ms. Manashi Roy,

....for the State.

The petitioner claims that he has been framed. According to the petitioner he underwent a surgery on August 12, 2020 that ruled out any sexual activity for a considerable period of time thereafter. The petitioner claims that on September 9, 2020, the date of the alleged incident, the petitioner could not have undertaken any sexual act.

The State refers to the statement of the survivor recorded under Section 164 of the Code. It also appears that according to the minor survivor, there were others accompanying the petitioner who have not been apprehended yet.

Considering the candour in the statement of the minor survivor, the petitioner's prayer cannot be acceded to.

CRM 8760 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)