

12.11.2020
ss
(Serial No.21)

**CRM 9263 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagar Police Station case no. 136 of 2020 dated 07.09.2020 under section 6 of the Protection of Children from the Sexual Offences Act.

In Re : Sk. Sahid

... petitioner

Mr. Partha Sarathi Mondal

.....for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

....for the State.

The petitioner says that following a belated complaint the case has been started against the petitioner and there is no basis to the charges levelled.

The State refers to the statement of the survivor recorded under Section 164 of the Code.

There is no dispute that the survivor was a minor. It is also not fatal for a complaint to be lodged after 38 days or even two months since the trauma suffered by the survivor in such a situation is unimaginable and it may take substantial time in cases for the survivor to report the matter to a elder. Further, even the elders deliberate over the matter since the society still frowns upon a rape survivor and the survivor remains branded for the rest of her life.

In the present case, the statement of the victim is clear and categorical and it does not even appear that the petitioner had any manner of acquaintance with the survivor before he

violated her in the stealth of the night. The prayer for bail is refused.

CRM 9263 of 2020 is dismissed.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)