

22.02.2021

Item No.35

Ct.No.28

dc.

Rejected

C.R.M. 475 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Sourav Malakar alias Banti**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Madhyamgram P.S. Case No. 533 of 2019 dated 18.12.2019 under Section 6 of the Protection of Children from Sexual Offences Act and Sections 376(2)(f)(n)/376AD of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 412 days and the instant case was initiated out of rivalry as the petitioner had given money to the family of the victim and intended to recover the same. The learned advocate further agitates that there has been a delay of 22 days in registration of the FIR. The learned advocate further draws the attention

of this Court to the deposition of the victim. Additionally, the learned advocate submits that the petitioner may be released on bail on any condition this Court thinks fit and proper.

Mr. Panda, learned advocate appearing for the State draws the attention of this court to the earlier orders of this Court passed in CRM 4662 of 2020 and CRM 6687 of 2020.

We have taken into account the materials on record including the deposition of the victim who is aged about six years. Having regard to the materials which are made available before us including the above deposition of the minor, we are not inclined to release the petitioner on bail at this stage. As such, petitioner's prayer for bail is **rejected**.

CRM 475 of 2021 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)