

12.07.2021

Court No.28
Item No.5
(Rejected)

Akd
&
As

CRM 1052 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Duttapukur Police Station Case No. 312 of 2020, dated 25.04.2020 under Section 376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of : **Nidul Paul.**

...Petitioner

Mr. Sumanta Chakraborty,
Mr. Sukanta Chakraborty.

...For the Petitioner

Ms. Faria Hossain,
Ms. Baisali Basu.

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Duttapukur Police Station Case No. 312 of 2020, dated 25.04.2020 under Section 376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

The petitioner is in custody for one year and one month in connection with the aforesaid case and have filed the instant application for bail on the ground that he has been falsely implicated having no role to the commission of an offence allegedly charged against him.

We had an occasion to peruse the statement of the minor victim girl aged about nine years recorded under Section 164 of the Code of Criminal Procedure vividly narrating the incident happened on

the fateful day.

Considering the nature of the statement, we do not think that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM 1052 of 2021, is thus **dismissed**.

(Harish Tandon, J)

(Subhasis Dasgupta, J.)