

17.06.2021

(Via Video Conference)

Court No. 28
Item No. 12 (PB)
nandy/seth

CRM 1883 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 15.02.2021 in connection with Nalhati Police Station Case No. 239 of 2020 dated 30.11.2020 under Sections 376/506 of the Indian Penal Code and under Sections 4/6/8/10/12 of the Protection of Children from Sexual Offences Act, 2012 (Special Case {POCSO} No. 39 of 2020).

and

In the matter of: **Helal Sk. @ Laden @ Helaluddin Sk.**

..... Petitioner

Mr. Prosenjit Mukherjee, Advocate

Mr. Jahangir Hossain, Advocate

.....for the Petitioner

Mr. Saibal Bapuli, Learned A.P.P.

Mr. Arijit Ganguly, Advocate

Mr. Sanjib Kumar Dan, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Nalhati Police Station Case No. 239 of 2020 dated 30.11.2020 under Sections 376/506 of the Indian Penal Code and under Sections 4/6/8/10/12 of the Protection of Children from Sexual Offences Act, 2012.

It is submitted by the petitioner that he has been falsely implicated and have been apprehended in connection with the aforesaid case on the statement of the mother of the victim girl, which has got no nexus to the reality. It is further submitted that the victim girl is seventeen years of age and the entire case has been cooked up against the petitioner for no reason or rhyme.

On the other hand, learned Advocate appearing for the State opposes the prayer for bail. It is submitted that the victim girl herself disclosed the incident and in fact, undergone medical test, which would corroborate at least prima facie, commission of an offence.

After hearing the respective counsel and upon perusing the materials placed before us including the statements of the victim girl, recorded under Section 164 of the Code of Criminal Procedure and the medical report, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

As such, the prayer for bail is **rejected**.

The application being **CRM 1883 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)