

25.06.2021.
Item No.32
(Rejected)
ab/saswata

C.R.M. 2503 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Sagar Police Station case no.136 of 2020 dated 07.09.2020 under Section 6 of the POCSO Act and Section 376(3) of the Indian Penal Code;

And

In the matter of : **Sk. Sahid**

... petitioner.

Mr. Md. Sabir Ahmed
Mr. Sandi Kr. Mondal

...For the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. N. Ahmed
Mr. Md. Anwar Hossain

... For the State

This is an application for bail in connection with Sagar Police Station case no.136 of 2020 under Section 6 of the POCSO Act and Section 376(3) of the Indian Penal Code at the behest of the petitioner.

The learned Advocate for the petitioner submits that the petitioner is in custody for ten months and there is no incriminating materials against the petitioner. It is submitted that a complaint was made after a considerable period of time and, therefore, the entire allegation is an after-thought. It is further submitted that the medical examination was not done promptly and despite having such lapses and lacunae in the investigation, the petitioner is still languishing in jail.

The learned Advocate for State opposes the prayer for bail.

Our attention is drawn to the statement of the victim girl, who was 15 years of age at the time of alleged commission of offence, recorded under Section 164 of the Code of Criminal Procedure where she made a direct statement against the petitioner towards the complicity of the said offence. The

medical report also suggests the rape having committed on her.

In view of the materials so available on record, we do not think that this is a fit case where the petitioner should be enlarged on bail.

Accordingly, the application for bail being CRM 2503 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)