

30.06.2021

Court No.28
Item No.70
(Rejected)

Akd
&
As

CRM 2913 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sagardighi Police Station Case No. 18 of 2019, dated 12.01.2019 under Section 376D of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of : **Manuel Tudu & Anr.**
...Petitioners

Ms. Shabana Hasin.
...For the Petitioners

Ms. Zareen N. Khan,
Mr. Bitasok Banerjee.
...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Sagardighi Police Station Case No. 18 of 2019, dated 12.01.2019 under Section 376D of the Indian Penal Code and Section 6 of the POCSO Act.

The petitioners are in custody in connection with the instant case for nearly 898 days. According to the petitioners, they have been falsely implicated in the instant case and no incriminating material has yet been unearthed against the petitioners.

Our attention is drawn to the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure and also under Section 161 of the Code of Criminal Procedure.

After harmonious reading of the statement recorded therein in both the statements, the complicity of the petitioners at this stage cannot be ruled out. We had an occasion to peruse the medical report as well, which is suggestive of the commission of the alleged offence. We do not think that it is a fit case where the petitioners should be enlarged on bail.

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

The application for bail, being CRM 2913 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta, J.)