

C.R.M. 3093 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tapan Police Station Case No. 275 of 2019** dated **20/11/2019** under Sections **363/365/109** of the Indian Penal Code.

And

In the matter of: - **Mamun Sarkar**

....petitioner.

Mrs. Jeenia Rudra

.... For the petitioner.

Mr. Saswata Gopal Mukherjee,
Mr. F. Hossain,
Mr. B. Basu,

...for the State.

The charge against the petitioner is under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Learned Counsel for the petitioner submits that he has been in custody for about 1 year 8 months. Two of the co-accused persons have been granted bail. The petitioner stands on the same footing and should also be enlarged on bail.

Learned Counsel for the State produces the case diary. We have perused the same. Our attention has been drawn to the statement of the survivor girl, aged 14 years, recorded under Section 164 of the Code. The girl has clearly narrated what she was subjected to. There is *prima facie* sufficient material to indicate the complicity of the petitioner in the commission of the offence that he has been charged with.

Further, the petitioner's prayer for bail was rejected by a Co-ordinate Bench on November 18, 2020 in CRM 8621 of 2020.

There is no apparent change of circumstances since then.

Accordingly, we are not inclined to allow this application.

The prayer for bail is rejected.

CRM No. 3093 of 2021 is, thus, dismissed.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)