

C.R.M. 3448 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chinsurah Women Police Station Case No. 4 of 2021** dated **25/01/2021** under Sections **376AB/506** of the Indian Penal Code and Sections **6/9(m)** of the POCSO Act.

And

In the matter of: - **Bipul Biswas**

....petitioner.

Mr. D. N. Mahapatra

.... For the petitioner.

Mr. Saswata Gopal Mukherjee,
Mr. F. Hossain,
Mr. A. Mitra

...for the State.

The charge is under Sections 376AB/506 of the Indian Penal Code read with Sections 6/9(m) of the Protection of Children from Sexual Offences Act.

The petitioner's learned Counsel says that the petitioner has been framed. No incident, as has been alleged, ever occurred. The petitioner has been in jail for more than 6 months. Although charge sheet has been filed, there is little chance of the trial commencing on an early date. He prays for bail on behalf of the petitioner.

Learned Counsel for the State produces the case diary and draws our attention to the statement of the survivor girl, who was 6 years old at the time of the incident, recorded under Section 164 of the Code. The girl has clearly narrated the incident.

There is sufficient *prima facie* evidence to suggest the

complicity of the petitioner in the commission of the offence. We have also considered the medical examination report. It is highly unlikely that a girl of 6 years of age shall concoct a story.

Having considered the material on record and the nature and the gravity of the charge, we are not inclined to allow this application. The prayer for bail is rejected.

CRM No. 3448 of 2021 is, thus, dismissed.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)