

**CRM 4184 of 2021
(Via Video Conference)**

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur Police Station Case No.1162 of 2020 dated 08.06.2020 under Sections 376/506 of the Indian Penal Code read with Section 6 of the POCSO Act, 2012.

A n d

In the matter of : Bimal Dey @ Panchu Dey

.... Petitioner.

Mr. Abdur Rakib

... For the petitioner.

Mr. Imran Ali,
Mirza Firoj Ahmed Begg

... For the State.

The charge against the petitioner is under Sections 376/506 of the Indian Penal Code read with Section 6 of the POCSO Act, 2012.

The petitioner says that he and the victim girl were very good friends and, in fact, there was an affair between them. The physical relationship between them was consensual.

We have seen the statement of the victim girl, aged about 14 years, recorded under Sections 164 and 161 of the Cr.P.C. She has clearly stated that the petitioner forcibly had physical relationship with her. In fact, she has become pregnant as is revealed from the medical report.

On an overall consideration of the incriminating material available in the case diary and the nature and gravity of the charge, although the petitioner is in custody for about 468 days, we are not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the application for bail being CRM 4184 of 2021 is dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)