

23.09.2021
Serial no.11
Dd

(Through Video Conference)

CRM 6182 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **7th September, 2021** in connection with **Madhyamgram** Police Station Case No. **533** of **2019** dated **18.12.2019** under **Section 6 of the Protection of Children From Sexual Offences Act**, and charge sheet submitted under **Section 376(2)(f)(n)/ 376AD** of the Indian Penal Code and Section 06 of the Protection of Children From Sexual Offences Act.

-And-

In the matter of : Sourav Malakar alias BantiPetitioner

Mr. Angsuman Chakraborty, advocate
... .. For the Petitioner

Mr. S.G. Mukherjee, Ld.PP
Ms. F. Hossain
Mr. Aniket Mitra, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since December 19, 2019. He submits that this is third petition for bail. He highlights that the change in circumstances from the earlier order of rejection of bail. He submits that the police submitted a supplementary charge sheet subsequent to the earlier order of rejection of bail from which it appears that the FSL report does not substantiate allegation under Section 376 of the Indian Penal Code. He also submits that the petitioner lent and advanced money to the family of the de facto complainant, as result of which the petitioner was falsely implicated in the case.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim girl recorded under Section 164 of the Criminal Procedure Code.

He highlights the fact that the victim girl was 6 years 4 months old at the time of incident.

Considering the nature of the statements recorded under Section 164 of the Cr.P.C. of the victim girl, we are not inclined to grant bail to the petitioner.

CRM 6182 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)