

24.09.2021
Serial no. 4
Dd

(Through Video Conference)

CRM 6097 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **27th August, 2021** in connection with **Kaliyaganj** Police Station Case No. **523** dated **30.12.2020** under Sections **376(2)(i)(j)(n), 511** of the Indian Penal Code and Sections-8/9/12 POCSO Act, 2012.

-And-

In the matter of : Manik Roy

... ..Petitioner

Mr. Subhas Chandra Atha, Advocate
... .. For the Petitioner

Ms. Zareen Khan,
Ms. Sreeparna Das, Advocates
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated by the de facto complainant. There is a long standing property dispute between the family of the de facto complainant and the petitioner. He submits that although one of the charge is under Section 376 of the Indian Penal Code, the victim did not undergo a medical test. He also submits that since the petitioner is in custody for about 260 days and the police submitted charge sheet further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code – one, of the victim girl and the other of the elder sister of the victim girl.

She submits that the victim girl was 5 years old at the time of incident while the sister was 9 years old.

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

CRM 6097 of 2021 is **dismissed**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)