

03.02.21 In re: An application for bail under Section 439 of the Code of Criminal Procedure
(S.R.) filed in connection with **Hogolberia** Police Station **Case No.40 of 2020** dated
Sl.171 **12.03.2020** under Section **354** of the Indian Penal Code and Sections **8/10** of POCSO
Ct.28 Act;

And

In re: Surojit Mondal

... petitioner.

Mr. Atis Kumar Biswas

Mr. Amit Singh

... for the petitioner.

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Biswas, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The statements made in the complaint do not tally with the statements of the victim girl recorded under Section 164 of the Code of Criminal Procedure. There is no incriminating material against the petitioner. Upon conclusion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody for more than 329 (three hundred twenty nine) days, is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer.

Records reveal that the previous bail application preferred by the petitioner was dismissed by an order dated 30th June, 2020 wherein it was, *inter alia*, observed that "*the State relies on the statement of the victim recorded under Section 164 of the Code. The statement is clear. On a reading of the statement, it does not appear to be exaggerated or a tutored version. The victim is aged about ten years*".

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to enlarge the petitioner on bail at this stage.

Accordingly, the application for bail being CRM No.9267 of 2020 is rejected.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)