

25.01.2021
Court No.28
rpan / 28

C.R.M. 9663 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalyani P.S. Case No.288 of 2020 dated 15.09.2020 under Sections 376/511 of the Indian Penal Code with added Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Arabinda Roy**

...Petitioner.

Mr. Shibaji Kumar Das

... for the petitioner.

Md. Anwar Hossain,

Ms. Sreyashee Biswas

... for the State.

Mr. Das, learned advocate for the petitioner submits that the petitioner is in custody for 131 days and although charge-sheet has already been filed but the charge is yet to be framed. Additionally, the learned advocate draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and tries to emphasise upon this Court that the same, *prima facie*, fails to bring the case within the ambit of the POCSO Act.

Mr. Hossain, learned advocate for the State opposes the prayer for bail and relies upon the statement of the victim as well as the other materials appearing in the record which is in support of the prosecution case.

We have perused the materials on record as well as the statement of victim under Section 164 of the Code of Criminal Procedure and considering the nature of offence, we are not

inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

However, the petitioner will be at liberty to approach this Court for renewal of bail after evidence of the victim is over.

With the aforesaid observations, CRM No.9663 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)