

25.11.2021

Item No.7

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 1030 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Sessions (POCSO) Case No. 69 of 2020 arising out of Banarhat P.S. Case No. 146 of 2020 dated 2.8.2020 under Section 376(2)(n) of the IPC read with Sections 6/12 of POCSO Act read with Section 67B(a) IT Act read with Section 3(1)(xii) of the SC/ST (POA) Act.

And

In the matter of : **Kundan Rai.**

... Petitioner.

Mr. Joydeep Kanta Bhowmik

... for the petitioner

Mr. A. S. Chakraborty

Mr. Sourav Ganguly

... For the State.

Learned Advocate for the petitioners submits that the FIR is not a gospel truth and the provisions of Section 29 and 30 are to be complied after the evidence commences and not at this stage when the bail is being considered.

Learned Advocate for the State produces the case diary and draws the attention of this Court to the Statement of the victim.

Having regard to the incriminating materials, prima facie, appearing against the present petitioner, we are of the

view that the petitioner is not entitled to be released on bail at this stage.

The petitioner will be at liberty to apply for bail after the evidence of the victim has been recorded by the Learned Trial Court under Section 35 of the POCSO Act.

With the aforesaid observations CRM 1030 of 2021 is **dismissed.**

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)