

CRM(DB) No.78 of 2022

Via video conference

25.02.22

(S.R.)

Sl.09

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chakdah** Police Station Case No.160 of 2021 dated 12/04/2021 under Section 376(2)(i) of the Indian Penal Code and under Section 4 of the POCSO Act [S.C. No.18 of 2021 (SPL)]

And

In re: Ananda Roy

... petitioner.

Mr. Kallol Mondal, Sr. Adv.

Mr. Sabir Debnath

Mr. Krishan Roy

Mr. Roma Roy

... for the petitioner.

Mr. Debabrata Chatterjee

Ms. Debjani Sahu

...for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the contents of the complaint do not stand corroborated by the medical report of the victim. The petitioner has been falsely implicated and he is languishing in custody for about 186 days. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim is a minor and she is mentally unfit. There are strong incriminating materials on record against the petitioner. Answering our query, he submits that the petitioner was aged about 61 years whereas the victim was only 14 years old on the date of the alleged incident.

Having heard the learned advocates and considering the materials in the case diary including the statement of the victim, as recorded under Section 164, the medical report, the gravity of the offence and the extent of complicity of the petitioner in the alleged

offence, we are not inclined to exercise discretion in favour of the petitioner and his prayer for bail is refused at this stage.

The application for bail being CRM(DB) No.78 of 2022 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)