

Via video conference

21.02.22

(S.R.)

Sl.27

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kultali** Police Station Case No.59 of 2020 dated 03/02/2020 under Sections 363/365/366/376(3) of the Indian Penal Code and under Section 6 of POCSO Act and under Sections 9/10/11 of the Prohibition of Children Marriage Act (corresponding to Special POCSO Case No.94 of 2020);

And

In re: Shibaram Pandit @ Shiba Ram

... petitioner.

Mr. Sabir Ahmed

Mr. Mujibar Ali Daskar

Mr. A. Saha

... for the petitioner.

Mr. Rudradipta Nandy

...for the State.

Mr. Gouranga Kumar Das

... for the *de facto* complainant.

Mr. Ahmed, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl. He has been falsely implicated and he is languishing in custody for more than 500 days and there is no possibility towards conclusion of the trial in the near future. He further submits that the petitioner shall marry the victim girl once she attains majority.

Mr. Das, learned advocate enters appearance on behalf of the *de facto* complainant.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code and other documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, its

ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused at this stage.

The application for bail being CRM(DB) No.104 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.)