

Via video conference

25.02.22

(S.R.)

Sl.47

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Liluah** Police Station Case No.341 of 2021 dated 13/09/2021 under Sections 363/366/376 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act;

And

In re: Akash Jha

... petitioner.

Mr. Mrityunjay Chatterjee

Mr. Kaushik Dey

... for the petitioner.

Ms. Zareen N. Khan

Mr. Arup Sarkar

...for the State.

Mr. Soumya Basu Roy Chowdhuri

... for the *de facto* complainant.

Mr. Chatterjee, learned lawyer appearing for the petitioner submitted that the relationship was consensual in nature. There was a love affair between the petitioner and the victim girl. Since the victim girl willingly went with the present petitioner with an intention to get married, she was found missing. Subsequently, when she returned home, her mother lodged a complaint against the present petitioner. In fact, the present petitioner is falsely implicated in this case. He is in custody for about 125 days. Therefore, he prays for bail on any stringent condition.

Mr. Khan, learned advocate appearing for the State strongly opposed the petitioner's bail. Inviting our attention to the statement of the victim girl, recorded under Section 164 of the Code, medical report and other documents, he stated that strong incriminating materials are there against the present petitioner, which indicate direct complicity in the alleged criminal offence. It also appears that the present petitioner misguided the victim with false assurance and committed the offence, as alleged, according to him.

We have heard rival submissions and perused the statement of the victim girl, recorded under Section 164, medical report and other statements of the witnesses. We find that the present petitioner has a direct complicity in the alleged offence and strong incriminating materials are there against the present petitioner, which, prima facie, support the allegation. Therefore, at this stage, although investigation is complete and charge sheet has been filed, we are not inclined to allow bail and the same stands rejected.

The application for bail being CRM(DB) No.168 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.)