

24.03.2022
Serial no.52
[Dd]
(Bail **Rejected**)

CRM (DB) 371 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Special Case no. **63 of 2021** arising out of **Joynagar** Police Station Case No. **295 of 2021** dated **19.05.2021** under Sections **376DA/506** of the Indian Penal Code read with Section **6** of the Protection of Children from Sexual Offences Act, 2012(POCSO).

-And-

In the matter of : Kartick Sardar @ Kattik Sardar
... ..**Petitioner**

Mr. Rajdeep Mazumder,
Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Shaidur Rahman, Advocates
... .. *For the Petitioner*

Mr. Rudradipta Nandy, Advocate
... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the entire complaint was filed on the basis of a hearsay evidence. Allegedly, the wife of the petitioner confided in the mother of the victim with regard to alleged incident. The petitioner was no way connected with the incident. He refers to the medical evidence of the victim and the statement of the victim recorded under Section 164 of the Criminal Procedure Code. He submits that the medical evidence of the victim does not corroborate a continuous sexual offence. The statement of the victim does not name the petitioner as one of the perpetrators of the crime.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 161 of the Criminal Procedure Code and the statement of the victim recorded under Section 164 thereof.

The victim is 11 years of age. She in her statement recorded under Section 164 of the Criminal Procedure Code speaks of two persons ravishing her. It was a continuous incident. There was also a video taken of one of the incidents. Apparently, the police are yet to seize the video. The police filed charge sheet. One of the co-accused was granted bail by the jurisdictional Court on the ground that such co-accused was not involved in the sexual offence.

There are two accuseds in custody. There is a statement of the victim recorded under Section 161 of the Criminal Procedure Code naming the petitioner squarely in the incident.

Consequently, considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 371 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)