

CRM (DB) 395 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 28.01.2022 in connection with Sheoraphully GRPS Case No. 2 of 2021 dated 08.01.2021 under Section 376 of the Indian Penal Code and Section 4/8 of POCSO Act.

-And-

In the matter of : **Sushil Ram**

... ..Petitioner

Mr. Sandip Chakraborty, Advocate

Mr. Kaustav Das, Advocate

... .. For the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Anindya Sundar Chatterjee, Advocate

... .. For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner used to lend money to the family of the victim. He highlights the fact that the complaint is of an incident alleged to be occurring in October, 2020 while in January 13, 2021 on medical examination, it was found that the victim was seven months pregnant. He submits that the police complaint is an offshoot of the disputes with regard to the recovery of the money which the petitioner lent to the family of the de facto complainant.

Report as called for submitted in Court be taken on record.

It appears from the report that the victim became a mother of a girl child in the month of March, 2021.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure.

In response, learned Advocate appearing for the petitioner submits that the petitioner is ready and willing to undergo a DNA test.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the statement recorded under Section 164 of the Code of Criminal Procedure of the victim, we are unable to grant bail to the petitioner._

CRM (DB) 395 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)