

CRM (DB) 482 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 15.02.2022 in connection with Shyampur P.S. Case No. 134 of 2021 dated 27.03.2021 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 323/506 of the Indian Penal Code read with Section 8 and 12 of the POCSO Act.

-And-

In the matter of: **Nitai Mainan**

... ...Petitioner

Ms. Devi Priya Mitra, Advocate

... ... For the Petitioner

Mr. P.K. Datta, Id. APP

Mr. Santanu Deb Roy, Advocate

... ... For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner lodged the police complaint. All other co-accused were not named in the charge-sheet. However, the petitioner was falsely entangled.

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

The petitioner is the uncle of the victim. In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim states that the petitioner sexually assaulted her.

In view of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and in view of the gravity of the offence, we are unable to grant bail to the petitioner.

CRM (DB) 482 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)