

C.R.M. (DB) 511 of 2022

24.03.2022
Sl. 83
Court No.29
sourav
(Rejected)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **16.02.2022** in connection with **Shyampur** Police Station Case No. **227** of **2021** dated **12.06.2021** under Sections **363/376(3)/506/34** of the Indian Penal Code and Section **6** of the POCSO Act.

And

In the matter of: **Sk. Sani @ Sk. Saniyaz Ali**

....petitioner.

Ms. Devipriya Mitra,

...for the petitioner.

Mr. S. S. Imam,

Mr. S. Kundu,

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 234 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. She refers to two orders passed by this Hon'ble Court relating to anticipatory bail of three co-accused. She submits that the co-accused were granted anticipatory bail on the strength of the statement of the victim recorded under Section 164 of the Criminal Procedure Code and on the strength of the victim refusing medical test.

Learned advocate appearing for the State refers to the statement of the victim recorded under Section 164 of the Criminal Procedure Code and submits that the petitioner is named therein as one of the main perpetrators of the crime.

It appears from the records made available to Court that three co-accused who were granted anticipatory bail do not stand in the same footing as that of the petitioner. In a statement recorded under Section 164 of the Criminal Procedure Code, the victim names the petitioner as one of the main persons involved in the

offence.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (DB) 511 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

