

CRM (DB) 514 of 2022

In re: An Application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2022 in connection with Beliatore P.S. Case No. 32 of 2021 dated 25.05.2021 under Sections 376(2)(f)(n)/376(3)/376(d)(a) of the Indian Penal Code and Sections 4 & 6 of the POCSO Act and Sections 67A/67B of the Information Technology Act.

-And-

In the matter of : **Soumen Ghosh @ Kota Ghosh**

... ..Petitioner

Mr. Soumik Ganguli, Advocate

Ms. Chandan Chakraborty, Advocate

... .. For the Petitioner

Mr. Rudradipta Nandy, Advocate

... .. For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 317 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that the petitioner is hardly involved in the incident. The mobile phone seized by the police from the petitioner did not contain any offensive material. He refers to the forensic report in support of his contention.

Learned Advocate appearing for the State draws the attention to the he statement of the victim recorded under Section 164 of the Code of Criminal Procedure and to the materials in the case diary.

In her statement recorded under Section 164 of the Code of Criminal Procedure the victim states that she was initially ravished by four persons and that video of such incident was taken by two others. Thereafter she was blackmailed on the basis of such video by other persons and ravished by them. The video of such incident was again taken and it was available with the petitioner. The petitioner wanted to blackmail the victim into submission for sexual favours which the victim refused.

Given the gravity of the offence and the involvement of the petitioner therein as transpiring from the statement of the

victim recorded under Section 164 of the Code of Criminal Procedure, we are unable to enlarge the petitioner on bail at this stage.

CRM (DB) 514 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)