

03.03.2022

Sl. No. 05

Srimanta

Ct.No.42

CRM (SB)/34/2022

(Via Video Conference)

In Re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with Sessions Trial No. **08/2022** arising out of **Sankrail** Police Station Case No. **81/2022** dated **19.01.2022** under Sections **447/354A/354C/427/506/509/34** of the Indian Penal Code and Section **8** of the POCSO Act, 2012.

In the matter of : **Jayanta Das.**

...petitioner.

Mr. Soumya Basu Roy Chowdhuri, Adv.

...for the petitioner.

Mr. Tanmay Kumar Ghosh, Adv.,

Mr. Arindam Sen, Adv.

...for the State.

The petitioner is in incarceration for 42 days in connection with Sankrail Police Station Case No. 81/2022 under Section 8 of the POCSO Act and other penal provisions of the Indian Penal Code.

It is submitted by the Learned Advocate for the petitioner that the FIR was lodged at a belated stage after the alleged occurrence implicating the present petitioner on the ground that the relation between the families of the *de facto* complainant and the petitioner is inimical. The mother of the petitioner lodged a complaint against the mother of the victim and her other family members before the local Panchayat on 4th September, 2021. The present complaint is an outcome of retaliation at the instance of the mother of the victim. No such incident took place with the victim as alleged.

Learned Public Prosecutor-in-Charge has raised vehement objection against the prayer for bail on production of Case Diary, especially the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

I have carefully perused the Case Diary and the statement of the victim under Section 164 of the Code of Criminal Procedure. The narration of the incident by the victim, *prima facie*, discloses an offence under Section 8 of the POCSO Act. So far as the extent of offence and the nature of sexual abuse alleged by the victim girl, non-examination of the victim by a medical practitioner is not fatal in the case. Considering the gravity of offence, I am not inclined to release the petitioner on bail at this stage of investigation. Prayer for bail is **rejected**.

(**Bibek Chaudhuri, J.**)