

11.03.2022
Sl. 48
Court No.29
sourav
(Rejected)

C.R.M. (DB) 681 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **07.03.2022** in connection with **Hanskhali** P.S. Case No. **852** of **2021** dated **22.12.2021** under Section **363/365** of the Indian Penal Code and Section **6** of the POCSO Act.

And

In the matter of: **Roni Biswas @ Papai**

....petitioner.

Mr. Amanul Islam

...for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 78 days. The police filed charge-sheet. The police complaint is a result of a subsequent enmity between two families. The petitioner and the victim are married.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code as also her age.

In a statement recorded under Section 164 of the Criminal Procedure Code, the victim who is 13 years of age states that she was taken away on a false pretext and that there was a physical relationship between her and the petitioner.

Considering the age of the victim and the statement of the victim recorded under Section 164 of the Criminal Procedure Code, we are unable to grant bail to the petitioner.

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

C.R.M. (DB) 681 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

