

**CRM (DB) 723 of 2022**

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 10.03.2022 in connection with Kultali P.S. Case No. 232 of 2020 dated 10.06.2020 under Sections 376(3)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : **Basudeb Mondal**

**... ..Petitioner**

Mr. Syed Shahid Imam, Advocate

Mr. Mohammad Khairul, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh, Advocate

Mr. Apurba Kr. Datta, Advocate

Mr. Bitasok Banerjee, Advocate

... .. For the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that at the time of the earlier order of rejection, the point that the petitioner was implicated in a police case at the instance of the mother of the victim was not taken. He submits that the incident is alleged to occur six months prior to the lodgment of the complaint. The complaint was lodged by the grand mother.

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 victim is 12 years of age. In her statement recorded under Section 164 of the Code of Criminal Procedure the victim implicates the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein as transpiring from statement recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant bail to the petitioner. Moreover, there is hardly any material change in circumstances subsequent to the earlier order of rejection.

CRM (DB) 723 of 2022 is rejected

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**