

62 22.03.2022  
(AD) Court No.29  
(Rejected)

**C.R.M. (DB) 777 of 2022**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baruipur** P.S. Case No.**1542 of 2021** dated **04/09/2021** under Sections **363/365/376(2)(i)** of the Indian Penal Code, 1860 and Section **6** of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And

In the matter of: Amit Gayen

....petitioner.

Mr. Sujit Saha

...for the petitioner.

Mr. Tanmay Kumar Ghosh, Ld. Sernior Government Advocate.  
Mr. Arindam Sen

... for the State.

Ms. Afreen Bewgum  
Ms. Soumitra Karmakar

... for the de facto complainant.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is about 21 years of age. The petitioner is in custody for 197 days. The police submitted charge sheet and, therefore, further detention of the petitioner is not required. The police complaint is a result of a relationship between the petitioner and the victim turning sour.

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 as also the medical examination report of the victim.

De facto complainant is represented.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim does not admit any relationship between herself and the petitioner.

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

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

**C.R.M. (DB) 777 of 2022** is dismissed.

**(Debangsu Basak, J.)**

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