

CRM (DB) 885 of 2022

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 29.03.2022 in connection with Santiniketan P.S. Case No. 219 of 2021 dated 08.11.2021 under Sections 448/376DA of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

-And-

In the matter of: **Somnath Hembram @ Mele & Anr.**

... ..Petitioners

Mr. Sanjib Kr. Dan, Advocate

Mr. Saryati Datta, Advocate

... .. For the Petitioners

Mr. Ranabir Roy Chowdhury, Advocate

Mr. Mainak Gupta, Advocate

... .. For the State

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that one of the co-accused was granted bail by the Juvenile Justice Board. He submits that petitioner no. 1 was not named by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 161 and 164 of the Code of Criminal Procedure.

In her statement recorded under Section 161 and 164 of the Code of Criminal Procedure, the victim states that three persons were involved in the incident.

In 161 statement, she names two. The statement recorded under Section 164 of the Code of Criminal Procedure is consistent with the statement recorded under Section 161 of the Code of Criminal Procedure. The petitioner no. 1 is named in the statement of the victim recorded under Section 161 of the Code of Criminal Procedure. The petitioner no. 1 is third person committing the offence on the victim.

In such circumstance, considering the gravity of the offence and the involvement of the petitioners therein as

transpiring from the materials in the case diary, we are unable to grant bail to the petitioners.

CRM (DB) 885 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)