

19.04.2022
Serial no.66
[Dd]
(Bail **Rejected**)

CRM (DB) 1017 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Arambagh** Police Station Case No. **236** of **2016** dated **12.03.2016** under Sections **377** of the Indian Penal Code and Section **4** of Protection of Child from Sexual Offence Act, 2012 (vide POCSO case No. **11** of **2016** arising out of SC (Spl) **29/2016**) G.R.- **441/2016**.

-And-

In the matter of : Sitan Mahato

... ...Petitioner

Mr. Suman Chakraborty, Advocate
... ... For the Petitioner

Ms. Anasuya Sinha,
Mr. Minak Kr. Mitra, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 128 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required. In any event, the petitioner was initially granted bail. The petitioner could not comply with the condition of the bail in view of the COVID restrictions.

Learned advocate appearing for the State submits that the petitioner misused the liberty granted to him. The incidents are of 2018 when COVID was not in vogue. She refers to the materials in the case diary.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the petitioner was found not to comply with the conditions of granting bail to him for a period when COVID

was not in vogue, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1017 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)