

04.05.2022

Serial no.49

[Dd]

(Bail Rejected)

CRM (DB) 1167 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Kalighat** Police Station Case No. **99** of **2021** dated **11.09.2021** under Sections **120B/376** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offence Act and Charges has been framed **22.03.2022** under Section **376(3)/120B** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offence Act.

-And-

In the matter of : Md. Irfan alias Azad Petitioner

*Mr. Aniket Mitra,
Md. Kalam, Advocates
... .. For the Petitioner*

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

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 235 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required. He submits that the petitioner did not ravish the victim. Even going by the statement of the victim recorded under Section 164 of the Criminal Procedure Code, there was a previous relationship between the petitioner and the victim.

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.

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim claims that the petitioner and the victim were known to each other. She

states that at the instance of the petitioner, another person ravished her.

Considering the age of the victim, the involvement of the petitioner in the offence charge and considering the materials in the case diary, we are not inclined to grant bail to the petitioner.

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

CRM (DB) 1167 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)