

29.06.2022

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rejected

C.R.M. (DB) 2060 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bamangola Police Station Case No. 79 of 2022 dated 22.03.2022 under Sections 376/511/109 of the Indian Penal Code and Sections 6/17/18 of the POCSO Act.

And

In Re : Balaram Mandal @ Balaram Mondal petitioner

Ms. Pompy Bose

Mr. Soumya Nag

... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... for the State

Petitioner is in custody for 69 days. Investigation is complete.

Learned Counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case due to animosity between the mother of the victim girl and her sister-in-law.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the minor victim recorded under Section 164 of the Code of Criminal Procedure. Mother of the minor victim was married earlier. Her husband died and thereafter she was living with the petitioner as husband and wife. Under such

circumstances, petitioner had access to the minor which probabalises the allegations levelled against him. Although in view of extent of her involvement this Court was inclined to extend the benefit of pre-arrest bail to the mother of the minor victim, in the face of the clear allegations levelled against the petitioner by the minor and his principal role in the crime, we are of the opinion the petitioner does not stand on the same footing with the mother of the minor and this is not a fit case to grant bail to him at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)