

20.07.2022

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rejected

C.R.M.(DB) No. 2392 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta Police Station Case No. 941 of 2021 dated 28.12.2021 under Sections 376/506 of the Indian Penal Code and Sections 4/6 of POCSO Act.

AND

In Re : Abhijit Mandal petitioner

Mr. Sudipta Roy

... for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

... for the State

Learned Counsel appearing for the petitioner submits that he is in custody for 204 days. It is also submitted that the petitioner has been falsely implicated in the instant case due to a matrimonial dispute between him and his wife.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the petitioner is the step-father of the minor and had sexually exploited her for a considerable period of time.

We have considered the materials on record. Statement of the minor victim is corroborated by her mother. Plea of matrimonial dispute between the petitioner and mother of the victim is not supported by contemporaneous documents.

In view of the aforesaid facts and gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

