

03.08.2022

cm/ct 28

**C.R.M. (DB) No. 2596 of 2022**

sl. no. 30

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Joynagar P.S. **Case No. 295 of 2021** dated **19.05.2021** under Section **376DA/506** of the Indian Penal Code read with Sections 6 of the Protection of Children from Sexual Offences Act, 2012.

Rejected

And

In Re : Kartick Sardar @ Kattik Sardar.

..... petitioner

Mr. Rajdeep Mazumder  
Mr. Moyukh Mukherjee  
Mr. Abhijit Singh

..... for the petitioner

Ms. Faria Hossain  
Mr. Anand Keshari

..... for the State

Petitioner renews his prayer for bail. He submits he has not named by the victim in her statement recorded under Section 164 Cr.P.C.

Learned lawyer for the State opposes the prayer for bail. He submits petitioner has named by the victim in her statement under Section 161 Cr.P.C. Bail prayer of the petitioner was rejected earlier.

We have considered the materials on record. Combined reading of the statement under Section 161 Cr.P.C. with that of the victim recorded under Section 164 Cr.P.C. shows the presence of the petitioner at the place of occurrence at the time of commission of offence.

Keeping in mind the aforesaid incriminating materials and gravity of the offence and as bail payer of the petitioner was rejected earlier, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected at this stage.

**( Ananya Bandyopadhyay, J. )**

**( Joymalya Bagchi, J.)**